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ABSTRACT

The ADA Watch was established in 1991 to monitor implementation of the Americans with Disabilities Act of 1990 (ADA). The ADA Watch covers all titles of the law, all regions of the country, and all sectors of the economy. This report summarizes major ADA Watch findings and recommendations from a study conducted from October 1991 to November 1992. The report discusses efforts to implement the ADA by the federal government, people with disabilities, covered entities, nonprofit organizations, and entrepreneurs. It describes reports of handicap discrimination and efforts to address discrimination problems. It presents descriptions of exemplary efforts to comply with the ADA, outlines areas in which technical assistance and information are needed, points out ADA issues requiring federal action, and provides a research agenda. Twenty-two findings and 15 recommendations are discussed. The report concludes that there has been substantial progress in implementing the ADA during its early stages, and no amendments to the law should be made at this time. Appendices contain lists of Department of Justice technical assistance grantees, demonstration projects, technical assistance centers, project summaries, and a list of related videocassettes. (JDD)

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ADA Watch — Year One:

A Report to the President and the Congress on Progress in Implementing the Americans with Disabilities Act

April 5, 1993

National Council on Disability

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A Report to the President and the Congress on Progress in Implementing the Americans with Disabilities Act

April 5, 1993

National Council on Disability

Prepared Under Contract by
Robert G. Kramer & Associates, Inc.

ADA Watch--Year One: A Report to the President and the Congress on Progress in Implementing the Americans with Disabilities Act

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An Independent
Federal Agency

Letter of Transmittal

April 5, 1993

The President
The White House
Washington, DC 20500

Dear Mr. President:

The National Council on Disability is pleased to submit to you this report entitled *ADA Watch--Year One: A Report to the President and the Congress on Progress in Implementing the Americans with Disabilities Act.*

The Americans with Disabilities Act of 1990 (ADA) is now a reality for an estimated 43 million Americans with disabilities. As the federal agency that initially proposed the ADA, the National Council feels a particular obligation to ensure that the law is implemented fully and effectively. The Council, therefore, established the ADA Watch in 1991 to monitor implementation of this landmark civil rights legislation.

Like the ADA itself, ADA Watch is comprehensive in nature: it covers all titles of the law, all regions of the country, and all sectors of the economy. The overarching conclusion and recommendation of this report is that there has been substantial progress in implementing the ADA during its early stages, and no amendments to the law should be made at this time.

The National Council remains fully committed to ensuring that the promises of the ADA are fully realized for people with disabilities and their families. We look forward to working with you toward this essential goal.

Sincerely,

John A. Gannon

John A. Gannon
Acting Chairperson
February 1993-present

Sandra Swift Parrino

Sandra Swift Parrino
Chairperson
October 1983-January 1993

(This same letter of transmittal was sent to the President Pro Tempore of the Senate and the Speaker of the House of Representatives.)

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MISSION OF THE NATIONAL COUNCIL ON DISABILITY

The National Council on Disability is an independent federal agency composed of 15 members appointed by the President of the United States and confirmed by the U.S. Senate. It was established in 1978 as an advisory board within the Department of Education. The Rehabilitation Act Amendments of 1984 transformed the Council into an independent agency. The mission of the National Council on Disability is to provide leadership in the identification of emerging issues affecting people with disabilities and in the development and recommendation of disability policy to the President and the Congress. The statutory mandate of the National Council during the first year of ADA Watch included the following:

- Reviewing and evaluating on an ongoing basis the effectiveness of all policies, programs, and activities concerning individuals with disabilities conducted or assisted by federal departments or agencies;
- Assessing the extent to which federal policies, programs, and activities provide incentives for community-based services, promote full integration of individuals with disabilities, and contribute to the independence and dignity of individuals with disabilities;
- Providing to the Congress, on an ongoing basis, advice, recommendations, and any additional information that the National Council or the Congress considers appropriate;
- Providing ongoing advice to the President, the Congress, the Commissioner of the Rehabilitation Services Administration (RSA), the Assistant Secretary of the Office of Special Education and Rehabilitative Services (OSERS), and the Director of the National Institute on Disability and Rehabilitation Research (NIDRR) on programs authorized in the Rehabilitation Act;
- Establishing general policies for reviewing the operation of NIDRR;
- Submitting an annual report with appropriate recommendations to the President and the Congress regarding the status of research affecting persons with disabilities and the activities of RSA and NIDRR;
- Providing advice to the RSA Commissioner on policies;
- Making recommendations on ways to improve research; the collection, dissemination, and implementation of research findings; and the administration of services affecting persons with disabilities;

- Reviewing and approving standards for independent living programs;
- Reviewing and approving standards for Project With Industry programs;
- Providing guidance to the President's Committee on Employment of People with Disabilities; and
- Issuing an annual report to the President and the Congress on the progress that has been made in implementing the recommendations contained in the National Council's January 30, 1986, report, *Toward Independence*.

While many government agencies address issues and programs affecting people with disabilities, the National Council is the only federal agency charged with addressing, analyzing, and making recommendations on issues of public policy that affect people with disabilities regardless of age, disability type, perceived employment potential, economic need, specific functional ability, status as a veteran, or other individual circumstance. The National Council recognizes its unique opportunity to facilitate independent living, community integration, and employment opportunities for people with disabilities by ensuring an informed and coordinated approach to addressing their concerns and eliminating barriers to their active participation in community and family life.

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EXECUTIVE SUMMARY

> *My highest priorities as your next President are to restore economic opportunity and rebuild a sense of community in our great nation. That is why I believe the ADA is so important. In a competitive global economy, our country doesn't have a single person to waste--opportunity must be open to everyone. I am strongly committed to full implementation and enforcement of the ADA, because I believe our entire nation will share in the economic and social benefits that will result from full participation of Americans with disabilities in our society.*

President-elect Bill Clinton
Letter to the ADA Employment Summit
December 1, 1992

The National Council on Disability is an independent federal agency charged by the U.S. Congress to address, analyze, and provide recommendations on issues of public policy that affect people with disabilities. The Americans with Disabilities Act of 1990 (ADA), P.L. 101-336, was first proposed by the National Council in a 1986 report to the President and the Congress, *Toward Independence*. In 1988, the National Council outlined the blueprint for the ADA in another special report, *On the Threshold of Independence*.

Having initiated the ADA, the National Council is committed to ensuring that the law is fully implemented and that opportunities for full participation in American life for people with disabilities are realized. With this objective, the National Council established ADA Watch in 1991 to evaluate implementation of the ADA. ADA Watch is comprehensive in its scope, including all titles of the ADA in all sectors of the economy and all parts of the country. The primary purposes of ADA Watch are to monitor and report on ADA implementation and to provide an opportunity for the concerns and experiences of all parties affected by the ADA to be given full consideration.

The ADA was enacted with strong bipartisan support in both the House of Representatives (with a vote of 377 to 28) and the Senate (91 to 6) and signed into law by then-President George Bush on July 26, 1990. President Bill Clinton gave the Act strong support in his presidential campaign and in a letter to the ADA Employment Summit, sponsored by the President's Committee on Employment of People with Disabilities on December 1, 1992. The ADA is a comprehensive civil rights statute that prohibits discrimination against people with disabilities--similar to the protections obtained by women, minorities and others since the Civil Rights Act of 1964 was enacted.

The ADA has five titles:

- Title I -- Employment
- Title II -- Public Services (including Public Transportation)
- Title III -- Public Accommodations and Services Operated by Private Entities
- Title IV -- Telecommunications
- Title V -- Miscellaneous Provisions

The provisions of the ADA will take effect in stages, with the first set of regulations having gone into effect as of January 26, 1992. An estimated 43 million Americans with physical or mental impairments that substantially limit daily activities are protected under the ADA. These activities include: working, walking, talking, seeing, hearing, or caring for oneself. People who have a record of such an impairment and those regarded as having an impairment are also protected.

The ADA bars discrimination in employment and generally requires employers with 25 or more employees to make reasonable accommodations for qualified people with disabilities beginning in July 26, 1992, and employers with 15 or more employees to make such accommodations by July 26, 1994. It also bars discrimination in any activity or service of a state or local government, similar to a requirement under section 504 of the Rehabilitation Act of 1973 for services operated or funded by the federal government.

The ADA prohibits discrimination in commercial facilities and public accommodations--hotels, restaurants, stores, theaters, and museums, among others. New buses, trains, subway cars, and rail stations will have to be made accessible according to specific schedules in the coming years. Accessible paratransit services must be provided that are comparable to fixed-route transportation services. Phone companies must provide relay services so that people with speech or hearing impairments can communicate with those who use conventional voice phones.

While many states have laws banning discrimination against people with disabilities, the National Council on Disability concluded that the lack of a consistent standard across the nation left people with disabilities living as second-class citizens with few options to live independently and viewed as dependents unable to contribute productively. This is evidenced by unemployment rates among people with disabilities that are higher than any other group--estimated as high as 67 percent by one Louis Harris poll commissioned by the National Council and the International Center for the Disabled.

This report summarizes major findings and recommendations from the first year of ADA Watch. The study was conducted from October 8, 1991, to November 16, 1992, and therefore reflects developments during that period. (Some information obtained after the study is also provided.) It is important to note that 1992 was also the first full year of ADA implementation, and much of what is reported here is based on the very early experience in implementing and enforcing the law. The most remarkable observation about these beginnings is that so much has been achieved in so little time.

Methodology

The ADA Watch team gathered information from the following sources:

- Organizations and associations representing the disability community and the ADA's "covered entities" (e.g., businesses, and state and local governments)--general informational materials, training and technical assistance manuals, guidebooks, and videotapes.

- Federal agencies having ADA responsibility--data on complaints filed, technical assistance and training efforts, grant programs funded through the agencies, and research activities conducted or proposed.

- Nonprofit organizations--for example, the Funding Partnership for People with Disabilities, a coordinating entity for more than 20 foundations and corporate giving programs.

- Media sources--newspapers, magazines, journals, trade and industry publications, television, and radio.

- Public hearings in Washington, DC (two days) and San Francisco, California (one day for general ADA issues followed by one day of hearings on issues related to minorities with disabilities).

- A toll-free telephone line, which received calls from people with disabilities, businesses, government agencies, and other concerned citizens across the United States.

- Letters and other correspondence, which provided information about many efforts to implement the ADA and described issues faced by people with disabilities related to the ADA.

The resulting volumes of data were then analyzed to identify patterns, recurring themes or issues, and significant needs.

Major Findings

The following are the major findings for the first year of ADA Watch:

1. The federal government has, overall, performed well in its ADA implementation responsibilities.

2. The disability community has generally, in these early days of the ADA, taken an ADA implementation strategy of "educate and negotiate, and litigate as a last resort."

3. Many organizations serving covered entities, such as trade associations, have initiated significant efforts to assist their members with ADA implementation.

4. The projections that ADA implementation would *not* be unduly burdensome to businesses appear to have been well founded.

5. The ADA has opened up new opportunities for disability-related activities in the nonprofit community.

6. Entrepreneurial activities stimulated by the ADA have had very mixed results: some have been helpful, others highly counterproductive.

7. Complaints filed under the ADA thus far indicate that certain key areas need greater attention, including, for example, accommodating current employees with disabilities under Title I.

8. Early efforts by covered entities to implement the ADA's employment provisions have helped to remove formal barriers to employment of people with disabilities, but many barriers still exist.

9. Some of the most productive ADA implementation activities have involved cooperative efforts between and among government agencies, businesses and business organizations, and the disability community.

10. The need for information and technical assistance continues to grow, outstripping federal and state resources.

11. While efforts to inform people with disabilities and covered entities about the ADA have been substantial, many large gaps still exist.

12. Minorities with disabilities, overrepresented in the disability community, are significantly underreached by current ADA information and technical assistance efforts.

13. As organizations and individuals advance in their knowledge of the ADA, their questions are becoming increasingly sophisticated and technical, often requiring complex responses.

14. Covered entities are looking for the greatest degree of certainty of being in compliance with the ADA that the federal government can offer.

15. As ADA regulations become more refined, the ADA's relationship to other federal disability nondiscrimination laws is becoming clearer in certain areas and more confused in others.

16. People with certain kinds of disabilities, such as vision and hearing impairments, short stature, and environmental illness, are becoming frustrated with the way ADA implementation efforts are being conducted.

17. Despite the broad scope of the ADA, there still appear to be some gaps in coverage, such as full protection for people with environmental illness.

18. Numerous technical issues involving the interpretation and application of the ADA and its regulations have been raised, including the use of edge warning devices on transit platforms and accessibility standards for recreation areas.

19. Major elements of employee benefit plans are being called into question by the ADA, such as whether an employer's health care plan may discontinue coverage of certain benefits specifically needed by people with disabilities.

20. The role of traditional government activities in support of people with disabilities and the application of previously existing disability laws are being affected by the ADA.

21. There is a growing body of information about such issues as perceptions of the ADA, costs of implementation, and attitudes toward ADA responsibilities that will enable policymakers to prioritize implementation efforts more effectively.

22. The progress and impact of the ADA cannot be fully determined with existing data sources, and substantial additional research is needed.

Recommendations

The National Council on Disability, based on first year findings, recommends the following:

1. To sustain the substantial progress achieved in implementing the ADA during its early stages, no amendments to the law should be made at this time.
2. The federal government should plan, coordinate, and fund a media campaign to disseminate accurate information about the ADA through public service announcements on radio and television.
3. New materials and dissemination strategies should be developed that are targeted to, and sensitive to the needs of, African Americans, Native Americans, Hispanic and Latino populations, Asian Americans, Pacific Islanders, and other minority populations.
4. Systematic outreach and technical assistance efforts should be initiated that focus on small businesses and communities outside major metropolitan areas.
5. The dissemination of ADA information and technical assistance materials should be increasingly decentralized and moved out of the federal sector.
6. Federal technical assistance projects should be established in Alaska, Hawaii, and the Trust Territories.
7. The next generation of technical assistance materials should be more industry- and profession-specific.
8. More technical assistance should be provided to state and local government entities.
9. The federal government should formally endorse technical assistance materials to increase public confidence in their validity as standards for ADA compliance.
10. The federal government should cultivate and coordinate ADA leadership in the private sector and the disability community and thereby become more the catalyst than the provider of technical assistance.
11. The Interagency Disability Coordinating Council should identify and address gaps in coverage, conflicting definitions of terms, and problems of overlapping jurisdiction of federal disability nondiscrimination laws.

12. The Department of Justice, the Equal Employment Opportunity Commission, the Department of Transportation, the Federal Communications Commission, and the Access Board should prepare and disseminate regular technical guidance memoranda regarding ADA policy decisions.

13. Congress and the Administration should consider legislation to address the needs of people with "emerging disabilities," such as those with head injuries resulting from violence or other trauma and those with environmental illnesses who are severely adversely affected by secondary smoke or other pollutants in public places.

14. A comprehensive research agenda should be developed to measure the nation's progress in meeting the ADA's four goals of equality of opportunity, full participation, independent living, and economic self-sufficiency.

15. Congress should authorize and fund a large-scale longitudinal study to determine how the needs of people with disabilities are being met over time as the ADA is implemented.

16. Funding for federal government ADA information dissemination, technical assistance activities, and research should be adequate to ensure the successful ongoing implementation of the law.

Conclusions

The early record on voluntary compliance with the ADA is mixed: some covered entities have offered exemplary models for accommodating the needs of people with disabilities; many have done what is necessary to meet the ADA's requirements; and some others have largely ignored the ADA or have been ignorant of it. Although all of the entities that have complied have incurred some costs, it does not appear that any of the dire economic predictions made by some have materialized.

As an independent federal agency, the National Council has the autonomy to assess the efforts of other agencies responsible for implementing the ADA. While it concludes that these agencies have performed well considering their resource constraints, additional ADA technical assistance, education, and research efforts are needed to further improve implementation and to inform the public about their rights and obligations under the law. It is particularly important to target such efforts to minorities, small businesses, and small cities and rural communities. Funding for such efforts should be provided.

Overall, the ADA continues to be a major success of American public policy. Countries throughout the world are looking at the ADA and our efforts at implementing it as a model to improve the quality of life of their citizens with disabilities. Based on the first year of ADA Watch, the overarching conclusion and recommendation of the National Council on Disability is that no amendments to the ADA should be made at this time. Changing the law now, just as it is starting to have a positive effect, would confuse the public and compromise the substantial progress that has been made to date.

I. INTRODUCTION:
THE AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act of 1990 (ADA) was first proposed by the National Council on Disability under the leadership of Chairperson Sandra Swift Parrino and Executive Director Lex Frieden. In February 1986, the Council issued a report to the President and the Congress entitled *Toward Independence*, which recommended enactment of a comprehensive law requiring equal opportunity for individuals with disabilities.

In 1988, the Council published another report entitled *On the Threshold of Independence*, which outlined the initial blueprint for the ADA. The bill, which was sponsored jointly by Senator Lowell Weicker and Representative Tony Coelho, was introduced in the 100th Congress. As Chairperson of the Task Force on the Rights and Empowerment of Americans with Disabilities, Justin Dart, Jr., held 63 hearings on the need for the ADA in every state in the country.

During the 1988 Presidential campaign, then-Vice President George Bush endorsed the ADA and became a strong advocate for its passage. The bill was reintroduced, in modified form, in May 1989 by Senators Tom Harkin, Edward Kennedy, and Dave Durenberger and Representatives Tony Coelho, Hamilton Fish, and Steny Hoyer. In June 1989, Attorney General Dick Thornburgh, in testimony before the U.S. Senate, reiterated the support of the Bush Administration for the ADA.

After extensive negotiations between the Senate and the Administration, the Senate passed an amended version of the ADA on September 7, 1989, by a vote of 76 to 8. The House then began consideration of the bill. Five separate House committees held hearings on the ADA, and an amended version of the bill was passed on May 22, 1990, by a vote of 403 to 20. To reconcile the two different versions of the ADA, the Senate and the House held two different conference committees.

The House ultimately passed the ADA on July 12, 1990, by a strong bipartisan vote of 377 to 28. The next day, with similar bipartisan support, the Senate passed the bill by a vote of 91 to 6. The ADA became law on July 26, 1990, when it was signed by then-President Bush on the South Lawn of the White House in front of over 3,000 persons, many of whom had worked on the passage of the law.[1] On December 1, 1992, an ADA Employment Summit was held in which then-President-elect Bill Clinton conveyed his strong support for the ADA.

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[1] The individuals mentioned above are only a few of the key people who made the ADA possible. The roles of other key members of Congress, such as Senators Bob Dole and George Mitchell, and disability advocates, such as Pat Wright and Paul Marchand, will be addressed in a comprehensive history of the ADA currently being commissioned by the National Council.

Modeled after the Civil Rights Act of 1964 and Title V of the Rehabilitation Act of 1973, the ADA is a landmark piece of civil rights legislation that provides broad protections for persons with disabilities analogous to those available to minorities and women. Throughout the world, countries are looking at the ADA as a model to enhance the quality of life of their citizens with disabilities. On February 17, 1993, in Vienna, Austria, with the leadership of National Council Acting Chairperson John A. Gannon, the United Nations Commission for Social Development passed a resolution embodying the spirit of the ADA.

ADA Requirements

An estimated 43 million Americans with physical or mental impairments that substantially limit daily activities are protected under the ADA. These activities include working, walking, talking, seeing, hearing, or caring for oneself. People who have a record of such an impairment and those regarded as having an impairment are also protected. The ADA has the following five titles:

- Title I -- Employment
- Title II -- Public Services (including Public Transportation)
- Title III -- Public Accommodations and Services Operated by Private Entities
- Title IV -- Telecommunications
- Title V -- Miscellaneous Provisions

The following is a brief summary of some of the major requirements contained in the ADA statute. To determine all of the requirements that a covered entity must satisfy, it is necessary to refer to the regulations, guidelines, and/or technical assistance materials that have been developed by the Department of Justice (DOJ), the Equal Employment Opportunity Commission (EEOC), the Department of Transportation (DOT), the Federal Communications Commission (FCC), and the Architectural and Transportation Barriers Compliance Board (the Access Board). In addition, the Internal Revenue Service (IRS) has developed regulations on the tax relief available for certain costs of complying with the ADA, such as small business tax credits.

Title I--Employment

Title I of the ADA prohibits discrimination in employment against people with disabilities. It requires employers to make reasonable accommodations to the known physical or mental limitations of a qualified applicant or employee, unless such accommodation would impose an undue hardship on the employer. Reasonable accommodations include such actions as making worksites accessible, modifying existing equipment, providing new devices, modifying work schedules, restructuring jobs, and providing readers or interpreters.

Title I also prohibits the use of employment tests and other selection criteria that screen out, or tend to screen out, individuals with disabilities, unless such tests or criteria are shown to be job-related and consistent with business necessity. It also bans the use of pre-employment medical examinations or inquiries to determine if an applicant has a disability. It does, however, permit the use of medical examinations after a job offer has been made if the results are kept confidential, all persons offered employment in the same job category are required to take them, and the results are not used to discriminate.

Employers are permitted, at any time, to inquire about the ability of a job applicant or employee to perform job-related functions. Under the ADA, the employment provisions took effect on July 26, 1992, for employers with 25 or more employees, and will take effect on July 26, 1994, for employers with 15 or more employees. As required, the EEOC issued its regulations by July 26, 1991.

Title II--Public Services

Title II of the ADA requires that the services and programs of local and state governments, as well as other nonfederal government agencies, are accessible to people with disabilities. Regulations from the Attorney General's office at DOJ were issued on July 26, 1991, in compliance with the ADA.

In addition, Title II seeks to ensure that people with disabilities have access to transportation. All new buses must now be accessible. Transit authorities must provide supplementary paratransit services or other special transportation services for individuals with disabilities who cannot use fixed-route bus services, unless this would present an undue burden.

In the area of rail transportation, the ADA requires that all new rail vehicles and all new rail stations must be accessible. In addition, existing rail systems must have one accessible car per train within five years of enactment. Amtrak must make all of its existing stations accessible within 20 years. Key stations of subway systems and other commuter rail systems must generally be accessible within three years. Regulations from the Secretary of DOT were due on July 26, 1991, but were somewhat delayed.

Title III--Public Accommodations

Public accommodations include the broad range of entities that affect commerce, including sales, rental, and service establishments; educational institutions; recreational facilities; and social service centers. The ADA prohibits the use of eligibility criteria that screen out or tend to screen out individuals with disabilities, unless necessary for the delivery of goods and services. It also requires public accommodations to make reasonable modifications to policies, practices, and procedures, unless those modifications would fundamentally alter the nature of the services provided by the public accommodation.

Title III also requires that public accommodations provide auxiliary aids necessary to enable persons who have visual, hearing, or sensory impairments to participate in the program, but only if their provision will not result in an undue burden on the business. Thus, for example, a restaurant would not be required to provide menus in braille for blind patrons if it requires its waiters to read the menu. The auxiliary aid requirement is flexible. A public accommodation may choose among various alternatives as long as the result is effective communication.

With respect to existing facilities of public accommodations, physical barriers must be removed when it is "readily achievable" to do so (i.e., when it can be accomplished easily and without much expense). Modifications that would be readily achievable in most cases include ramping of a few steps. However, all construction of new facilities and alterations of existing facilities in public accommodations, as well as in commercial facilities such as office buildings, must be accessible to people with disabilities (except that elevators generally are not required for facilities that are less than three stories high or have less than 3,000 square feet per story).

Regulations on public accommodations and commercial facilities from the Attorney General's office were issued on July 26, 1991. Title III also addresses transportation provided by private entities, and regulations on this component were issued by the Secretary of DOT on September 6, 1991.

Title IV--Telecommunications

Title IV of the ADA amends the Communications Act of 1934 to require that telephone companies provide telecommunication relay services. The relay services must permit speech- or hearing-impaired individuals who use TTDs or other nonvoice terminal devices opportunities for communication that are equivalent to those provided to other customers. Regulations were issued by the FCC on August 1, 1991.

Title V--Miscellaneous Provisions

This title addresses such issues as the ADA's relationship to other laws including the Rehabilitation Act of 1973, requirements relating to the provision of insurance, regulations by the Access Board, prohibition of state immunity, inclusion of Congress as a covered entity, implementation of each title, promotion of alternative means of dispute resolution, and provision of technical assistance.

ADA Watch

Having initiated the ADA, the National Council has an interest in ensuring that the law is fully implemented and that opportunities for full participation in American life presented by the ADA are realized by people with disabilities. The National Council established ADA Watch in 1991 in order to monitor implementation of the ADA. ADA Watch is comprehensive, covering all titles of the ADA in all sectors of the economy and all parts of the country. (The brochure in Appendix A provides a brief description of the project.)

The primary purpose of ADA Watch is to observe and report on implementation, providing an opportunity for the concerns and experiences of all interested and affected parties to be given full consideration. The ADA Watch team gathered information from the following sources:

- Organizations and associations representing the disability community and the ADA's "covered entities" (e.g., businesses, and state and local governments)--general informational materials, training and technical assistance manuals, guidebooks, and videotapes.

- Federal agencies having ADA responsibilities--data on complaints filed, technical assistance and training efforts, grant programs funded through the agencies, and research activities conducted or proposed.

- Nonprofit organizations--for example, the Funding Partnership for People with Disabilities, a coordinating entity for more than 20 foundations and corporate giving programs.

- Media sources--newspapers, magazines, journals, trade and industry publications, television, and radio.

- Public hearings in Washington, DC (two days) and San Francisco, California (one day for general ADA issues followed by one day of hearings on issues related to minority members with disabilities). The hearing agendas are included in this report as Appendices B and C.

- A toll-free telephone line that received calls from people with disabilities, businesses, government agencies, and other concerned citizens across the United States.

- Letters and other correspondence, which provided information about many efforts to implement the ADA and described issues faced by people with disabilities related to the ADA.

The resulting volumes of data were analyzed to identify patterns, recurring themes or issues, and significant needs.

This report summarizes major findings and recommendations from the first year of ADA Watch. The data presented were obtained primarily during the period of the study (October 8, 1991, to November 16, 1992), although some information obtained subsequently has also been incorporated. As 1992 was also the first full year of ADA implementation, much of what is reported here is based on the very early stages of implementation. The most remarkable observation about these beginnings is that so much has been achieved in so little time. The results of this project indicate substantial, though sometimes uneven, progress toward making the promise of the ADA a reality. Its findings support the following overarching conclusion and recommendation:

Recommendation 1

To sustain the substantial progress achieved in implementing the ADA during its early stages, no amendments to the law should be made at this time.

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II. EFFORTS TO IMPLEMENT THE ADA

This section of the report describes efforts by interested parties to implement the ADA, beginning with the federal agencies having statutory responsibility for ADA implementation. The efforts of the disability community, covered entities, nonprofit organizations, and entrepreneurial ventures are also discussed.

Federal Government

Finding 1: The federal government has, overall, performed well in its ADA implementation responsibilities.

Interagency Coordination

As the coordinating agency for federal activities related to the ADA, the Department of Justice (DOJ) has major responsibilities for implementation. DOJ's coordination efforts as of the end of the first year of ADA Watch included development of the draft Technical Assistance Plan to define each agency's areas of responsibility and to coordinate federal technical assistance activities. This plan was never officially finalized, but has nonetheless served as a reasonably effective guide for federal ADA technical assistance efforts.

In addition, an interagency task force composed of representatives from all departments and agencies having ADA responsibilities was created to help coordinate federal efforts. This task force met monthly and continues to meet on a regular basis to discuss what each agency is doing and to identify areas in which coordination is required. Several cooperative efforts have been initiated by DOJ through the task force, including the following:

- Establishment and coordination of a dissemination strategy for basic information about the ADA;

- Development of question-and-answer documents by DOJ and the Equal Employment Opportunity Commission (EEOC), with assistance from the National Institute on Disability and Rehabilitation Research (NIDRR);

- Creation of a comprehensive ADA handbook by DOJ and EEOC;

- Dissemination of technical assistance materials to small businesses through the Small Business Administration;

- Design and implementation by DOJ and EEOC of a major contract to train people with disabilities on the provisions of the ADA, with the contractor working under the direct supervision of EEOC; and

- Coordination of efforts to provide information and guidance to NIDRR's Technical Assistance Centers by the several federal agencies with ADA technical assistance and enforcement responsibilities.

Regulations and Standards

The agencies with responsibility to publish ADA regulations and standards generally have been successful in meeting deadlines. Most regulations were published on time. (See Table 1.) As of the end of FY 1992, only the Internal Revenue Service rule on use of Section 44 Tax Credits was still to be issued. According to an official at the IRS, these regulations will be published during calendar year 1993.

Most of the regulations were also published on time in accessible formats, including braille and audio tape. The transportation regulation was late in this regard, as were Department of Transportation (DOT) technical assistance materials. DOT officials report that the problem in providing alternate formats has been substantially corrected. The DOJ and EEOC technical assistance manuals were published on time.

Information Dissemination

Efforts by the federal government to disseminate ADA information have been extraordinary. As one illustration, the sheer number of documents being produced and mailed by the component of DOJ responsible for ADA implementation, the Civil Rights Division, has turned the agency into something resembling a large-scale mail house; approximately two million information pieces had been distributed as of the end of FY 1992. DOJ staff report that demand continues to increase, particularly for materials in accessible formats.

Other ADA information dissemination efforts of note are as follows:

- DOJ staff made more than 150 presentations to covered entities and various groups representing and serving people with disabilities, and have received many other requests.

- A DOJ ADA hotline, staffed by its own attorneys and professional staff, has been inundated with calls (approximately 2,500 per week), far exceeding the anticipated demand.

Table 1

RELEASE DATES OF FEDERAL REGULATIONS

REGULATION	SCHEDULED	ACTUAL
Title I **Employment** (EEOC)	7/26/91	7/26/91
Title II **Public Services**		
State and local governments (DOJ)	7/26/91	7/26/91
Transportation (DOT)	7/26/91	9/6/91
Title III **Public Accommodations**		
Public accommodations (DOJ)	7/26/91	7/26/91
Transportation (DOT)	7/26/91	9/6/91
Title IV **Telecommunications** (FCC)	7/26/91	8/1/91
Title V **Miscellaneous Provisions**	NA	NA

- EEOC staff have responded to thousands of requests for information. EEOC headquarters received approximately 1,000 calls per week in July 1992; by September 1992 the number was still a substantial 600 to 700 per week.

- DOJ distributed a notice about Title III requirements through an IRS mailing to 5.9 million businesses.

- In the second quarter of FY 1992 alone, the Office of Communications and Legislative Affairs at EEOC received more than 14,000 ADA-related calls and 5,000 pieces of mail requesting ADA publications and posters.

- DOJ distributed the ADA Handbook to more than 10,000 libraries.

- EEOC field office staff made more than 500 presentations on the ADA in FY 1991 and the first quarter of FY 1992 to nearly 40,000 people.

- The Federal Consumer Information Center is distributing copies of the DOJ/EEOC question-and-answer pamphlet.

- DOJ prepared a display, primarily for use at conventions, of covered entities, such as the National Association of Convenience Stores, the National Federation of Retailers, and organizations representing persons with disabilities.

- The DOJ's electronic bulletin board, designed primarily for use by persons with vision impairments, has been receiving 300 to 400 calls per month; the Department is expanding and computerizing this line in order to improve its efficiency.

Training and Technical Assistance

Federal agencies have conducted training and technical assistance programs through use of their own staff, as well as through numerous grants and contracts. The level of effort for agency staff has been substantial, but the demand has far exceeded the capacity to meet it. Examples of these activities are as follows:

- DOJ awarded 19 grants, funded at a total of $3.4 million in FY 1992. Additional funds were used to extend six of these grants to continue certain activities, including telephone information lines. An additional $2.5 million in grants is anticipated in FY 1993. These grants cover a wide range of content areas and activities. (See Appendix D for details, as well as "Covered Entities" in this section for their impact.)

- NIDRR created 10 Regional Disability and Business Technical Assistance Centers (RDBTACs) to provide technical assistance on all titles of the ADA, particularly Titles I, II, and III. (See Table 2 for data on the efforts of the centers.)

- NIDRR also funded two materials development projects on employment through the International Association of Machinists and Cornell University, as well as two peer training projects; one on local capacity-building in Independent Living Centers with the National Council on Independent Living (NCIL) and one on peer and family training related to the ADA with the Parent Information Center.

- EEOC and DOJ jointly funded a contract to the Disability Rights Education and Defense Fund (DREDF) and the Independent Living Research Utilization (ILRU) project to train 400 people with disabilities, 100 of whom would each train 100 others and 300 of whom would each train at least 50 others.

- DOT, DOJ, and the Access Board have produced or have in process several publications on transportation issues under the ADA. (See Table 3 for a partial list of these documents.)

- DOT's *ADA Paratransit Handbook* was widely circulated and very well received by transit providers as a guide for development of ADA paratransit plans.

- The FCC published the *Telecommunications Relay Services Informational Handbook*.

- DOT's Regional Transit Assistance Program, a $5 million program, has conducted grant programs through the Community Transportation Association and Project ACTION to assist transit providers with ADA implementation. (See Appendix E for a description of Project ACTION and a list of grantees.)

- EEOC has an "Attorney of the Day" answer line that is receiving approximately 15 calls a day, primarily from its regional office staff, on technical issues under Title I.

- The Access Board is receiving more than 1,500 calls a month requesting technical assistance. (See Figure 1 for specific data on requests by month from October 1991 through May 1992.)

Table 2

MATERIALS DISTRIBUTED BY NIDRR REGIONAL CENTERS*

DOCUMENT	NUMBER SENT
General Information	
Public Law	222
Facts About ADA	1118
Title II Highlights	372
Title III Highlights	541
ADA Q&A	1642
ADA-Your Responsibilities as an Employer	4077
ADA-Your Employment Rights as an Individual with a Disability	2805
ADA Basics	
EEOC List of Publications	852
DOJ List of Publications	852
ADA Statutory Deadlines	956
ADA Requirements Fact Sheet	1031
ADA Public Accommodations Fact Sheet	924
Disability-Related Tax Provisions	731
Regulations	
Federal Register Part III	851
Federal Register Part IV	243
Federal Register Part V	437
Technical Assistance Manuals	
Title I T/A Manual	1978
Title II T/A Manual	1033
Title III T/A Manual	1102
Resource Tools	
Checklists for Existing Facilities	826
ADA Handbook	838
Other Publications and Documents	
TOTAL Other Publications and Documents	16,625
Total Documents Distributed	40,056

*August 1992 data

Figure 1

ACCESS BOARD REQUESTS FOR INFORMATION/GUIDELINES

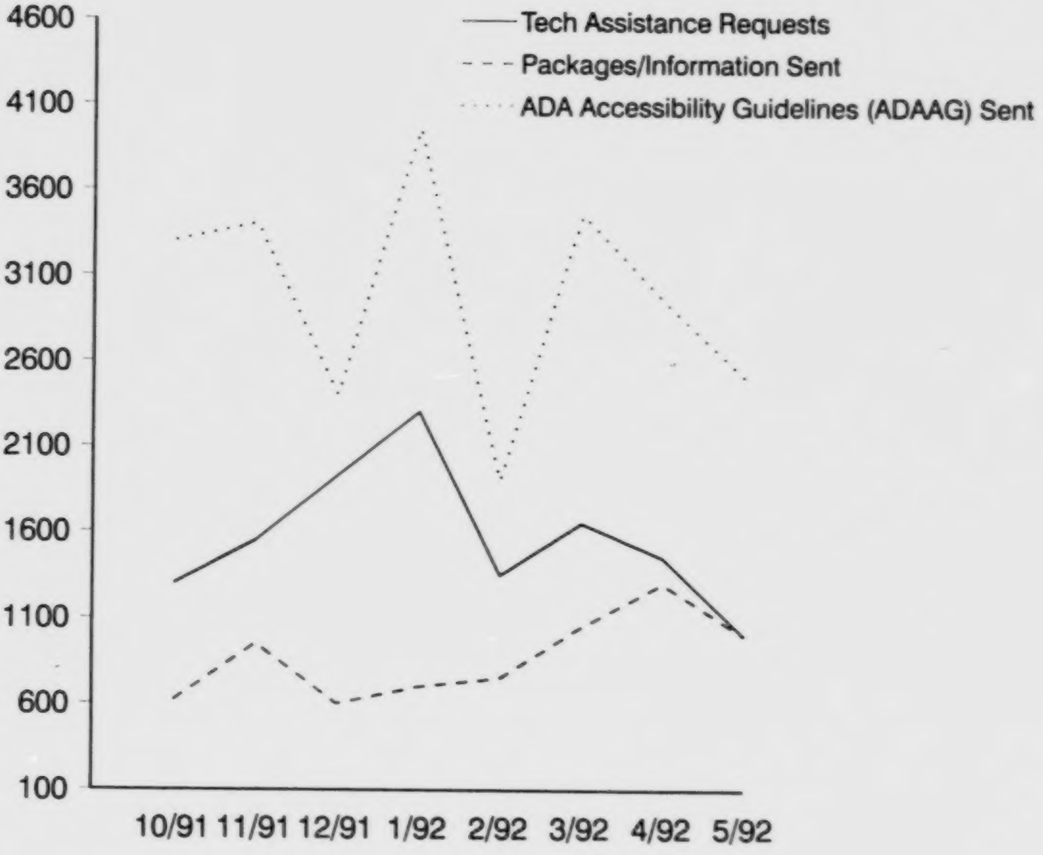


Table 3

SOME ADA PUBLICATIONS PREPARED BY FEDERAL AGENCIES

Department of Justice

The Americans with Disabilities Act (pamphlet)

Title II Highlights

Title III Highlights

The Title II Technical Assistance Manual and Update

The Title III Technical Assistance Manual and Update

Three single-page fact sheets

Equal Employment Opportunity Commission

The Americans with Disabilities Act--Questions and Answers (jointly with DOJ)

The Americans with Disabilities Act Handbook (jointly with DOJ)

The Americans with Disabilities Act: Your Employment Rights as an Individual with a Disability

The Americans with Disabilities Act: Your Responsibilities as an Employer

Title I Technical Assistance Manual

Department of Transportation

Accessibility Handbook for Transit Facilities

Guidelines for Improvement to Transit Accessibility for Persons with Disabilities

Guideline Specifications for Passive Lifts, Active Lifts, Wheelchair Ramps & Securement Devices

Impact of the ADA on the U.S. Waterborne Passenger Transportation Industry (expected, July 1993)

Suggestions for Implementing a Standee-On-Lift Program for Fixed-Route Bus Service (expected, April 1993)

Table 3 (continued)

Federal Communications Commission

Telecommunications Relay Services: An Informational Handbook

Architectural & Transportation Barriers Compliance Board

Buses, Vans & Systems

Rapid Rail Vehicles & Systems

Light Rail Vehicles & Systems

Commuter Rail Cars & Systems

Intercity Rail Cars & Systems

Over-the-Road Buses & Systems

Automated Guideway Transit Vehicles & Systems

High-Speed Rail Cars, Monorails & Systems

Trams, Similar Vehicles & Systems

Americans with Disabilities Act Accessibility Guidelines Checklist

Periodic technical assistance bulletins

- The Job Accommodation Network (JAN), a technical assistance arm of the President's Committee for Employment of People with Disabilities (PCEPD), has seen a significant increase in demand for its services, with the number of calls up by more than 20 percent over the previous year. (See Figure 2.) This number is expected to rise since the PCEPD has decided to promote JAN much more actively.

- The PCEPD has undertaken numerous activities, including conducting a 50-state survey to identify implementation issues and promote compliance, developing informational materials on the ADA, preparing a series of articles and advertisements for use in print media, and holding conferences.

- EEOC developed a comprehensive technical assistance manual and made it available to the public on January 26, 1992. The manual describes the employment provisions of the ADA and provides numerous examples. It includes an extensive directory of technical assistance resources for employers and people with disabilities. It has been distributed to 125,000 employers, organizations, and individuals.

- Along with the Department of Justice, EEOC developed a question and answer booklet. This pamphlet covers Titles I, II, and III of the ADA, and was recently updated. The first version was distributed to 250,000 employers. EEOC also developed booklets on employer responsibilities (400,000 distribution) and the rights of an individual with a disability (425,000 distribution) under Title I of the ADA, as well as fact sheets covering the employment requirements of the Act and tax benefits available to employers. These materials have been widely distributed to the general public.

- EEOC revised its "Equal Employment Opportunity Is the Law" poster, which has been distributed to 1.3 million employers. Employers are required to post notices about the ADA in the workplace.

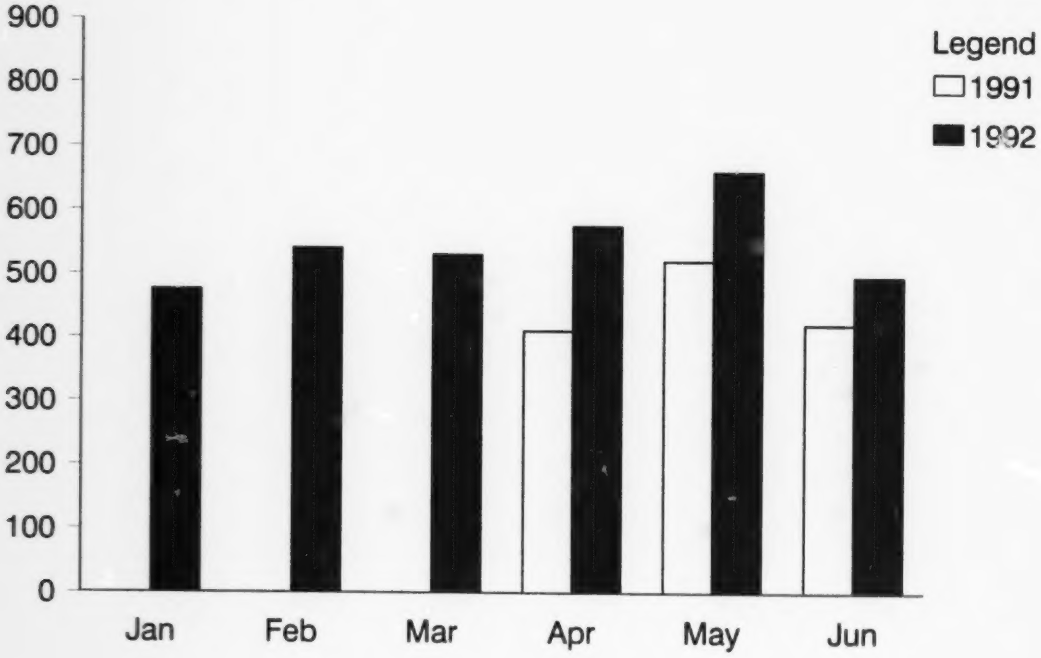
- In addition to the "Attorney of the Day" service, EEOC operated a toll-free ADA helpline to provide technical assistance and publications to the public.

- EEOC established a Speakers Bureau of individuals with expertise on the employment provisions of the ADA.

Several basic documents have had a wide circulation, most notably the *ADA Handbook*, currently being sold through the Government Printing Office bookstore, and EEOC's *Technical Assistance Manual*. DOJ's technical assistance manuals on Titles II and III have also been widely disseminated.

Figure 2

INQUIRIES ADDRESSED BY THE JOB ACCOMMODATION NETWORK
(1991, 1992)



Finding 2: The disability community has generally, in these early days of the ADA, taken an ADA implementation strategy of "educate and negotiate, and litigate as a last resort."

The approach to ADA implementation taken by the disability community in the first year has, in general, been very positive and constructive: they have followed the advice of former Assistant Attorney General John Dunne to "educate and negotiate, and litigate as a last resort." The relatively low number of court cases and complaints to federal agencies reflect this fact. Many covered entities feared that advocacy groups would initiate a flurry of litigation immediately after each set of ADA provisions became effective. Overall, the disability rights organizations have exercised restraint, allowing time for the necessary work of informing and educating people on the ADA's requirements.

Organizational Activities

In their educational role, organizations representing and serving people with disabilities have produced numerous informational booklets and other materials explaining the rights and responsibilities of people with disabilities under the ADA. Some have initiated contacts with covered entities in communities to try to advise these organizations of their ADA obligations and to help them understand how compliance can be achieved. Illustrative of some of the more constructive efforts are the following:

- United Cerebral Palsy Associations, Inc., conducted a public accommodations survey through 11 of their affiliates, resulting in positive and productive conversations with business owners and changes to improve accessibility. A similar effort for the employment provisions has been developed.

- Paralyzed Veterans of America published six booklets on ADA issues that have been widely circulated among its members and others.

- A Center for Independent Living in northern Ohio, the Ability Center of Greater Toledo, has demonstrated exemplary local activity relating to the ADA. This organization has worked directly with 60 organizations in nine months to assist them with ADA implementation.

- The National Easter Seal Society developed printed informational materials, as well as posters and a video.

- The Mental Health Law Project is producing a series of booklets on the various ADA content areas.
- The Arc (formerly the Association for Retarded Citizens), under a DOJ grant, published materials on issues related to the ADA for people with mental retardation.

Many more examples could be cited, involving organizations on the national, state, and local levels. It should be noted that a number of the initiatives of disability organizations, as well as those of several covered entity associations, were funded through federal grants. The impact of some of these grant projects appears to have gone beyond the activities for which the grant was given, in that the grantees have effectively leveraged their funds to further benefit their constituencies. (See Appendices D, E, and F for lists of grant recipients.)

Almost without exception, where problems of accessibility have arisen, people with disabilities have attempted to reach a resolution through informal discussion or, in some cases, through a more formal alternative dispute resolution strategy. However, some people have found in certain instances that these approaches have not resulted in necessary accommodation and have taken action through the courts or filed a complaint with the federal agency having enforcement responsibility for the relevant title of the ADA. (Section III provides additional information on legal actions under the ADA.)

Role in Implementation

It was expected that the knowledge and experience of people with disabilities in making accommodations would create a demand for their expertise among covered entities. To some extent, this has been the case. A number of partnerships and cooperative efforts between the disability community and covered entities have been developed, with great benefit to all concerned. (These are discussed further in Section IV of this report.)

However, too often disability groups have not been consulted to assist with accommodations. Centers for Independent Living and other community-based organizations have had some success in locations where they have had an opportunity over time to build strong positive relationships with local businesses. However, due to fears of being accused of having aspects of their operations out of compliance, some businesses have seen disability groups as "foxes in the chicken coop."

This problem was confirmed by a survey of 91 companies and 25 advocacy groups in the mid-Atlantic region by the Philadelphia law firm of Blank, Rome, Comisky, and McCauley, and the Lyndhurst, New Jersey, firm of

Alexander and Alexander Consulting Group, Inc. Only 12 percent of businesses surveyed had "actively sought assistance from advocates." Almost three-quarters (74 percent) believed that advocates would actively assist with enforcement of ADA compliance, and nearly half (45 percent) believed that advocacy groups would use "testers" to identify noncompliance.

With these suspicions, it is not surprising that businesses would seek the assistance of even high-priced attorneys and consultants before that of disability groups and individuals with disabilities. It will be important for disability groups to address this issue of perception if they hope to serve a key role in assisting covered entities with ADA implementation.

Covered Entities

Finding 3: Many organizations serving covered entities, such as trade associations, have initiated significant efforts to assist their members with ADA implementation.

The overwhelming evidence is that covered entities that know about ADA are trying to comply, even if they have questions or concerns. For example, the Association for Computing Machinery conducted a member survey regarding their ability to provide accommodations under the ADA. More than half (58 percent) of respondents said they would have "no difficulty" accommodating employees with disabilities. In a similar survey of 79 companies for the *Wall Street Journal*, 61 percent of respondents said that it would be "easy to comply" with the ADA.

Studies suggest that covered entities are actively working to implement the ADA. For example, one survey of 385 companies conducted by Buck Consultants shortly before the employment provisions took effect found that 74 percent had designated a person or group within their organization to ensure compliance with the ADA. Sixty-one percent had modified their employment applications because of the ADA, and 68 percent had begun or planned to conduct training sessions or disseminate information to their employees regarding the ADA.

Finding 4: The projections that ADA implementation would *not* be unduly burdensome to businesses appear to have been well founded.

In the Blank, Rome, Comisky, and McCauley survey of 91 companies discussed above, *over three-quarters (77 percent) said that the estimated cost of*

ADA implementation for 1992 would be less than 1 percent of revenues. In the same survey, nearly half (48 percent) said the ADA would actually be beneficial to their companies, while just over a third (37 percent) said it would not; the rest were uncertain. Additional data will need to be collected over time to determine more precisely what the impact of ADA implementation efforts has been in terms of covered entities' financial and other resources. A research agenda to determine costs and other aspects of the ADA's impact is discussed in some detail in Section VII of this report.

Association Activities

As with the disability community, many organizations representing and serving covered entities have published articles, conducted training, and developed videotapes and other technical assistance materials to inform their members about the ADA. Federal grants have served as a catalyst for a number of these organizations, which have then built on the grant to expand into larger efforts with their members. Examples include the following:

- The American Hospital Association (AHA) developed a video teleconference on the ADA for hospitals, as well as a two-day seminar it described as "the most important two-day seminar of the decade." This seminar was conducted in six cities.

- The National Restaurant Association (NRA), under a DOJ grant, developed several publications to assist its members, including a special edition of *Washington Weekly* devoted to the ADA, articles in its magazine *Restaurants USA*, and a "Primer on the Americans with Disabilities Act" for NRA members. In addition, the NRA distributed 70,000 copies of an ADA handbook for restaurants.

- A DOJ grant to the Building Owners and Managers Association (BOMA) to conduct 15 seminars was so successful that, as of June 1992, BOMA had actually conducted 72 seminars around the country.

- The American Hotel and Motel Association, under a DOJ grant, developed a comprehensive ADA manual and conducted seminars in all 50 states.

The demand for information among covered entities has been extremely high, creating both a challenge and an opportunity for business associations. The challenge is to meet the demand effectively, with timely, appropriate, and useful materials. The opportunity has been to increase membership, improve quality of service to members, and generate revenues from sales of materials.

Experiences with Implementation

Witnesses at ADA Watch hearings from organizations representing covered entities portrayed a very favorable picture of the efforts of business, state and local governments, and other covered entities to implement the ADA. However, there was also an expressed need for more specific technical assistance that would increase their confidence that they were actually in compliance. Testimony highlights included the following:

- The Society for Human Resource Management reported that the ADA was the number one topic on their member information line in the first six months of 1992. Members were working actively to comply with the ADA but had specific questions, such as what job description formats EEOC would accept. (These needs and others cited below are discussed further in Section V of this report.)

- The American Institute of Architects and the Building Owners and Managers Association reported similarly high interest levels. They expressed particular interest in technical assistance materials that address specific questions and help entities know what actions DOJ would consider sufficient for an organization to be in full compliance.

- Several witnesses reported trying to address the problem of misinformation and disinformation being distributed by unscrupulous or ill-informed individuals (e.g., some lawyers and consultants), and indicated that helping covered entities identify inaccurate information was very important.

- The American Public Transit Association has provided materials and seminars on the ADA for its members. It indicated that members are attempting to comply in good faith, particularly with help from local advisory committees, but they face significant cost constraints in complying with the ADA and other federal requirements.

- The installation and operation of telecommunications relay systems appears to be ahead of schedule; 42 states already have a statewide relay service in operation, and all other states, Puerto Rico, and the District of Columbia are planning such services.

- State governments are working very diligently to meet all their responsibilities, but some find that they carry a great measure of the burden for information dissemination within the state without the resources to do so effectively.

- County governments are likewise working very diligently to implement the ADA, but the National Association of Counties indicated that county governments could be used more effectively as agents of implementation at the local level in filling some of the information gaps.

- City governments reported being financially strapped and looking for some relief from the ADA. However, it was noted that much of what the ADA requires of cities was also required under the Rehabilitation Act and that many cities struggling with ADA now are those that failed to comply with the Rehabilitation Act in past years.

These reports of significant progress must be viewed cautiously because they only represent those organizations with an awareness of the ADA. As will be discussed more fully in Section IV of this report, the actual status of ADA implementation has been greatly hindered by lack of information and technical assistance among covered entities and people with disabilities. Much remains to be done before covered entities can be said to be in compliance.

One area of the ADA in which information dissemination and technical assistance can be fairly readily accomplished is public transportation. Because the universe of public transportation providers is finite and known, and because these providers are accustomed to working with the federal government (and, not incidentally, know that funding depends on performance), efforts to implement the ADA's transportation provisions have moved ahead fairly well.

For example, virtually all public transit providers submitted their paratransit plans on time; of those that had been reviewed by September 30, 1992, nearly 90 percent of the plans had been approved. Similarly, only one provider (of the 45 that submitted plans) did not meet the requirements for key station plans, although it should be noted that, of the 716 key stations initially identified, nearly half (325) requested time extensions for completion.

One particular success story related to implementation of the ADA's transportation provisions concerns the development of the Oregon State Securement Device. This device has apparently resolved many questions about wheelchair lifts and consequently has enabled the DOT to focus more of its efforts on solutions to transportation accessibility for people with hearing and vision impairments.

Nonprofit Organizations

Finding 5: The ADA has opened up new opportunities for disability-related activities in the nonprofit community.

The role of "philanthropic" nonprofit organizations in the lives of people with disabilities has, historically, been in the care and treatment of disabling conditions and in the provision of social services. One significant and perhaps long-term impact of the ADA has been to provide a vision for expanding the work of these groups into the promotion of opportunities for people with disabilities to live more independently.

The Dole Foundation for Employment of People with Disabilities, together with the J.M. Foundation and the Milbank Memorial Fund, spearheaded an initiative to engage more than 20 foundations and corporate giving programs in a unified effort called the Funding Partnership for People with Disabilities. The Partnership received more than 600 grant proposals and funded 35 projects at a total cost of more than $1 million. (See Appendix G for a list of these projects.) The Partnership hopes to increase substantially the funding for 1993 and to include advancement of the ADA's goals as a major priority for funding.

The selection criteria for grantees under the Partnership emphasized the potential for "community-wide impact on productive employment, self-sufficiency, and/or other opportunities for people with disabilities." Each proposing entity was required to include at least two organizations, institutions, or groups, and to involve the disability community. Coalitions received priority if they had a matching funds commitment, the capacity to raise additional funds, or a commitment of substantial in-kind resources.

The programs funded were those demonstrating new methods for service delivery: training, technical assistance, and education efforts, particularly on the ADA; and research and dissemination projects to evaluate and promote successful activities under the ADA.

Entrepreneurs

Finding 6: Entrepreneurial activities stimulated by the ADA have had very mixed results; some have been helpful, others highly counterproductive.

The ADA has been derisively referred to by some of its opponents as the "Lawyer's Relief Act." While some attorneys have benefited financially from the ADA, other professionals have also seen the ADA as a business opportunity. For example, consultants and architects have conducted training seminars, developed materials, performed compliance audits, and advised organizations on ADA implementation issues. Companies have produced videos, published newsletters, and written "how-to" manuals on the ADA as a for-profit venture.

Through these activities, much has been accomplished in training and advising covered entities regarding their obligations under the ADA. However, some of these efforts have not contributed to an accurate understanding of the ADA's requirements, and some have had a strongly adverse effect on the implementation of the ADA.

Products and Services

By encouraging entrepreneurial efforts, the ADA has created something of its own industry. The most substantial elements of this industry are training seminars and workshops conducted by a variety of entities and accessibility surveys conducted by management and architectural consulting firms. The consumers of these services have included businesses of all sizes, as well as state and local government entities and nonprofit organizations.

ADA products include a wide range of items, including the following:

- Computer software--Several companies have developed software for writing job descriptions. Advertisements for some of these programs include language "guaranteeing" their ability to revise an organization's job descriptions so that they comply with the ADA.

- Compliance manuals--Manuals have been produced by organizations ranging from reputable firms with a history of publication in disability law issues to a cluster of other firms that have attempted to seize the opportunity provided by the ADA. Many in the latter group have simply recycled federal publications for a profit.

- Videos--The size of the market for ADA videos is not known, but some companies have attempted to tap into it by developing videos ranging in price from under $50 to over $500. (A list of some of the many ADA videos on the market is included as Appendix H.)

- Auxiliary aids--While a number of companies have sold auxiliary aids and assistive technology devices for a long time, others are seeking to break into this market as a result of the ADA. One example of an ADA-specific product is an auxiliary aid for use by public accommodations to communicate with persons with hearing impairments, produced and marketed by a Connecticut firm. This hand-held device, resembling a portable telephone, sells for $59.95, and the company hopes to reach thousands of places of public accommodation.

- Resource directories--One potentially promising ADA-related product is the directory that provides a list of vendors of products and services related to the accommodation of people with disabilities. A Maryland firm named RehabTech, for example, is developing an ADA sourcebook containing names, addresses, telephone numbers, and descriptions of organizations that help others comply with the ADA. The value of this effort is underscored by the results of a survey conducted by the Gallup Organization for the Electronic Industries Foundation demonstrating that most business people are unaware of organizations that provide products and services for people with disabilities.

Impact on Implementation

A general concern has been raised that many of the entrepreneurial efforts have promoted false or misleading views of the ADA and what it requires. In some cases, it appears that seriously misleading and perhaps even fraudulent activities may have been conducted. For example, one firm has reportedly been selling photocopies of the ADA regulations for several hundred dollars, with a marketing brochure that tells companies that the choice they face is either to purchase these materials or risk legal action and fines of $50,000 to $100,000.

Too often, the marketing of ADA products and services has taken the approach of that firm. Other examples include the following:

- A brochure for a compliance manual stated, "Don't let an oversight land you in court!"

- One firm's materials contained a photograph of several sticks of dynamite and the caption, "How to stay clear of the coming explosion of ADA litigation."

- Yet another document showed a photograph of an office with the caption, "Is your facility a lawsuit waiting to happen?" The photograph supposedly contained ten ADA violations that the reader was to try to spot to avoid being at risk for a lawsuit.

Two concerns have been raised about the seminars, workshops, and consultations being conducted by some individuals and firms:

- Some believe that the intent of the seminar leaders is to create fear in the attendees and thereby a sense of need for expert (and often expensive) services. The effect is that many covered entities harbor misplaced and inappropriate fears about what the ADA requires and react by simply ignoring the ADA altogether.

- A second and related concern is that companies are being persuaded to spend extraordinary amounts of money for fees and accommodations that are not necessary. These expenses have a negative effect on the businesses, create ill will regarding the ADA and people with disabilities, and could conceivably increase unnecessarily the amount of money claimed under ADA's tax credit provisions.

Two Department of Justice grantees--the Council of Better Business Bureaus Foundation and the Building Owners and Managers Association--have taken a particularly active interest in addressing these problems.

III. FORMAL AND INFORMAL COMPLAINTS: EVIDENCE OF CONTINUED NEED FOR THE ADA

The need for comprehensive civil rights legislation to protect the rights of people with disabilities has become even clearer as implementation of the ADA has progressed. Reports of discrimination abound in formal actions through the courts and federal agencies, in statistical survey data, and in anecdotal evidence. The number of legal actions has remained relatively low because of the restraint of people with disabilities and organizations that represent and serve them, as well as the willingness of many covered entities to try to resolve problems when confronted with them. This section discusses some of the reports of discrimination and efforts to address them.

Formal Complaints/Lawsuits

Finding 7: Complaints filed under the ADA thus far indicate that certain key areas need greater attention, including, for example, accommodating current employees with disabilities under Title I.

As of September 1992, DOJ had received approximately 450 complaints each under Titles II and III. Tables 4 and 5 provide an analysis of the nature of these complaints. It is worth noting that two individuals had filed about 90 of the first 250 complaints under Title III; when those are removed from the total, the level of complaints filed seems quite low. The vast majority of Title II complaints concern government employment and accessibility of government facilities and services. The largest number of Title III complaints concern accessibility of service establishments, sales or rental establishments, places of education, places of lodging, establishments serving food or drink, and places of exhibition or entertainment.

As of September 15, 1992, EEOC had received approximately 450 complaints under the employment provisions of Title I. However, it is important to recognize that this number applied to a much shorter period of time because the employment provisions took effect later than the public accommodation provisions (July 26 versus January 26). As of January 1993, after the first year of ADA Watch, EEOC had received approximately 4,299 charges of discrimination. The following is the distribution of EEOC complaints by category of discrimination:

Category	Percentage
Discharge	46.7
Benefits	3.6
Other issues	23.1
Accommodation	20.7
Hiring	15.1
Harassment	9.2
Discipline	6.4
Rehire	4.6
Layoff	4.2
Wages	2.7
Promotion	3.2
Suspension	2.2

The following two issues are particularly noteworthy with regard to the EEOC complaint data:

- Over 40 percent of complaints relate to discharge from employment. This almost certainly reflects the current economic and employment environment and may change if unemployment figures drop.

- Employers have generally focused most of their ADA compliance efforts on the hiring process (applications, interviews, etc.) rather than their relationships with current employees with disabilities.

These data will be important to monitor over time to ensure that appropriate technical assistance materials are developed and disseminated.

DOJ staff have indicated that, while they are prepared for forceful litigation when necessary, the Department will try to settle complaints first through other means, including alternative dispute resolution (as called for in the ADA). DOJ reported the following as examples of successful resolution of complaints:

- An art institute provided an interpreter for a deaf student taking a postsecondary summer course. The institute hired contract interpreters for the 40-hour course and plans to hire a permanent staff person whose duties would include interpreting for future courses.

- A private school made changes (including modifications to restrooms and installation of a ramp) to the buildings in which its high school graduation ceremony and reception were held. These actions followed a complaint by a person who uses a wheelchair and wanted to attend a relative's graduation from the school.

Table 4

TITLE II COMPLAINTS CONCERNING STATE AND LOCAL GOVERNMENT ENTITIES FILED WITH THE DEPARTMENT OF JUSTICE (DOJ)*

- As of September 10, 1992 -

Total complaints received:		528
Retained by DOJ:		
Employment (prisons, law enforcement, government service)		63
Inaccessible facilities or programs:	prisons	31
	courthouses	20
	other public facilities	32
Lack of auxiliary aids (hearing devices, interpreters, alternate formats, TDD's)		48
Governmental laws & policies prevent access		21
Lack of access to voting rights		7
Lack of access to various services (in prisons, from governments)		4
Miscellaneous (insurance, exams, retaliation, government new construction, zoning)		46
Total retained by DOJ		272
Referred to other agencies:		
Department of Transportation		82
Department of Education		75
Department of Health and Human Services		52
Department of the Interior		24
Department of Housing and Urban Development		11
Environmental Protection Agency		1
Department of Agriculture		2
Department of Labor		6
Equal Employment Opportunity Commission		1
United States Postal Service		2
Total referred to other agencies		256

* The ADA Title II regulations specify that complaints against state and local government entities should be referred to the federal agency whose responsibilities lie in that functional area.

- A supermarket agreed to modify its parking lot to allow greater access for persons with disabilities. The changes included increasing the number of spaces designated as accessible and increasing the size of several spaces to allow for van-accessible parking.

- A national professional certification program made modifications in its testing requirements to allow a person with vision and mobility impairments to take the examination.

- A television station agreed to provide sign language interpreters for all of the programs it produced about the 1992 elections. The station will also provide interpreters for other programs if requests are made in advance. In addition, the television station is exploring the possibility of close-captioning its own local productions.

- A state bar association agreed to accommodate an individual with a learning disability by providing him with more time in which to complete the bar examination based on an individualized assessment of his needs.

- A city consented to provide notices of meetings and agendas in formats that are readable by individuals with vision impairments.

The DOJ Title II complaint data must be viewed somewhat cautiously because of the large number of complaints filed by certain individuals. For example, it appears that 75 (or nearly 30 percent) of the 256 complaints referred to other federal agencies concern access to education, suggesting that schools were a primary source of discrimination; however, one person filed 60 of those charges against private schools in Vermont and Massachusetts. It will take some time before clear patterns of alleged discrimination appear in the complaint data.

The EEOC has filed the first lawsuit for the federal government under the ADA on behalf of Charles Wessel. AIC Security Investigations Ltd. is being sued for allegedly illegally dismissing Wessel, who was their executive director, when they learned he had cancer. Mr. Wessel developed lung cancer in June 1987, but it was only in April 1992, after being diagnosed as having brain cancer (and told that he probably had six months to a year to live), that he was asked to retire. The company contends that "with all the medication he had, he was not functioning" and issued a statement saying it had not violated the law. The EEOC is alleging "that he was fired because of his disability, although he was able to do the job and in fact was doing the job."

Table 5

TITLE III COMPLAINTS FILED WITH THE DEPARTMENT OF JUSTICE
- As of September 10, 1992 -

Report of all complaints by state

AL	5	ID	6	MN	1	NY	25	UT	5
AR	1	IL	11	MO	6	OH	10	VA	10
AZ	12	IN	3	MS	3	OK	4	VT	46
CA	28	KS	1	MT	1	OR	5	WA	10
CO	55	KY	2	NC	3	PA	15	WI	3
CT	1	LA	3	NE	7	RI	1	WY	5
DC	3	MA	28	NH	2	SC	6		
FL	18	MD	10	NJ	5	SD	2	Total	441
GA	4	ME	1	NM	2	TN	1		
HI	3	MI	41	NV	9	TX	18		

Report of all complaints by violation code

(1) Policies	89
(2) Auxiliary aids	47
(3) Existing facilities	277
(4) New construction	1
(5) Alteration	1
(6) Transportation	0
(7) Retaliation	6
(X) Code unlisted	71
Total	492*

* The total exceeds the complaint total (441) by 51 because 2 codes are listed 45 times and 3 codes are listed 3 times.

Table 5 (continued)

Report of all complaints by public accommodation code

A	Places of lodging	43
B	Establishments serving food or drink	38
C	Places of exhibition or entertainment	30
D	Places of public gathering	2
E	Sales or rental establishments	57
F	Service establishments	99
G	Stations used for specified public transportation	0
H	Places of public display or collection	1
I	Places of recreation	10
J	Places of education	54
K	Social service center establishments	8
L	Places of exercise or recreation	12
304	Transportation	9
CF	Commercial facilities	0
T/C	Testing/Courses	7
L/T	Leased from public accommodation	6
(X)	Code unlisted	82
	Total	458**

**The total exceeds the complaints total (441) by 17 because 2 codes were listed 11 times and 3 codes were listed 3 times.

Other ADA-related court cases include the following:

- John Hockenberry, a popular reporter who uses a wheelchair, sued the Virginia Theater for failure to provide access. After purchasing a ticket to a show, he could not attend the performance because of a flight of seven steps. Ushers reportedly refused to help him use the steps.
- Disabled in Action, Inc., sued a Philadelphia restaurant for not removing a small step that prevents access into the restaurant for wheelchair users.
- A law graduate ("John Doe") sued the Connecticut Bar Examining committee in order to take the July 1992 bar examination. He refused to answer questions about mental illness and emotional disorders on the application. A motion for a preliminary injunction was filed. The committee insisted that the only way they would allow John Doe to take the exam was with an official status of Connecticut bar exam reject. (Note: the District of Columbia Court of Appeals modified similar questions after a representative of the Mental Health Law Project advised them that the questions were illegal under the ADA.)
- A man from Arizona sued Little League Baseball (LLB) for denying him the right to coach third base. LLB contended that his wheelchair would pose a risk to players if he coached from third base. It ordered him to coach only from the dugout. This was based on a 1991 rule banning coaches in wheelchairs from coaches' boxes, regardless of field or game conditions or the nature of the coach's disability. The federal court granted plaintiff's motion for a temporary restraining order.

These cases indicate some of the kinds of issues likely to surface in litigation under the ADA.

Accounts of Discrimination

Finding 8: Early efforts by covered entities to implement the ADA's employment provisions have helped to remove formal barriers to employment of people with disabilities, but many barriers still exist.

The evidence that discrimination exists has been shown in several surveys. For example, the Louis Harris poll of 1986 found that unemployment among people with disabilities was a staggering 67 percent. While there may be other factors involved, certainly discrimination must be considered a major cause of such unemployment. It will be important to track how levels of discrimination change over time as the ADA is implemented. However, at this early stage of implementation, it is clear that many people with disabilities believe, based on their own experiences, that substantial discrimination continues to exist.

In a recent survey of its readers conducted by the magazine *CAREERS & the disABLED*, fully 87 percent of respondents (half of whom were employed at the time of the survey) indicated that they think companies discriminate against people with disabilities in hiring. Nearly three-quarters of respondents (72 percent) also believed that discrimination was greater against people with disabilities than other minority groups or women. Despite this perception, nearly two-thirds (65 percent) believe that the ADA will enhance their chances for employment. Results of this survey are included in Table 6.

ADA Watch has identified many examples of actual or alleged discrimination through public hearing testimony, media tracking, letters and calls received, and personal interviews. The following are a small sample:

- An attorney who has multiple sclerosis reported being rejected 400 times before obtaining a job with a law firm.

- A word processor with spina bifida was asked in a job interview how she went to the bathroom.

- A postal worker was placed on leave without pay when he told his supervisor he had AIDS.

- A recent newspaper article reported the story of an eight-year-old girl with spina bifida who was kept from skating with her friends at a public skating rink "because she might get hurt or one of the other children might be injured by her walker." The girl's mother, an active member of the Spina Bifida Association who had lobbied for passage of the ADA, informed the rink representative that he was in violation of Title III of the Act. The rink's management claims they "did not deny the little girl the right to skate...all we requested was that she have adult supervision or go to a less congested area." The mother is considering action against the skating center.

- The Director of the Governor's Committee on Employment of People with Disabilities in an eastern state, who uses a wheelchair, was invited to speak at a conference on the ADA, but the speaker's platform did not have a ramp.

Table 6

CAREERS & the disABLED
1992 Reader Survey

CAREERS & the disABLED: The Career Magazine for People with Disabilities conducted a survey of 500 readers, drawn randomly from its readership of 35,000. Results are projected to be accurate within plus or minus two percentage points.

Key findings:

Average age: 37 years

Gender: 57.2% male, 42.8% female

Employment status: 51.1% employed (unemployed includes college students)

If hired by a company or government agency, would you relocate?

Yes	62.7%
No	34.0%
Maybe	3.3%

Do you think companies discriminate against people with disabilities in hiring?

Yes	87.4%
No	12.6%

If yes, is it more so than for members of other minority groups or women?

Yes	72.4%
No	27.6%

Do you think that the Americans with Disabilities Act will enhance your chances for employment?

Yes	64.9%
No	27.6%
Maybe	7.5%

- A former Fireman of the Year in a major city was dismissed from his job when he became blind, with no attempt by the fire department to accommodate his disability. After taking legal action, he was rehired with back pay.

- A recent survey found that 48 percent of private physicians refuse to treat patients who are HIV-positive.

- A 12-year-old girl sued the Girl Scouts when she was turned away from a summer camp because the facility was not accessible.

- In New York, two new or newly renovated inaccessible public places opened in the summer of 1992: a restaurant that has steps and no ramp into the dining area from a street-level bar and a large theater that has no assistive listening system.

These examples illustrate that discrimination against people with disabilities is still common throughout American society. *The ADA continues to be needed and will probably always be needed to counter the strong tendency toward discrimination against people with disabilities.*

IV. EXEMPLARY EFFORTS TO COMPLY WITH THE ADA

It is still very early in the implementation of the ADA to adequately assess efforts to comply. Many organizations have just begun to take steps toward full implementation; others have yet to see whether the steps they have taken thus far will prove effective in removing barriers for people with disabilities. With this caveat, the following discussion is designed to identify a few approaches that hold promise and to try to indicate some general patterns in those organizations that have most effectively moved forward in complying with the ADA.

Partnerships

Finding 9: Some of the most productive ADA implementation activities have involved cooperative efforts between and among government agencies, businesses and business organizations, and the disability community.

Partnerships for ADA implementation have taken many forms. The federal government and the Funding Partnership for People with Disabilities have helped to stimulate some of these efforts by incorporating the goal of cooperation into their grant programs. The Partnership noted the following in its progress report:

> . . . we encouraged cooperation among our applicants by making coordination with other organizations from different sectors an application requirement: the request for proposals specified that organizations from different sectors of the economy--businesses, non-profits, government agencies, consumer groups, educational organizations, and others--form cross-sector coalitions to develop programs supporting the economic and social advancement of people with disabilities.

The following are examples of federal efforts funded by DOJ that have effectively linked organizations for projects.

- The American Foundation for the Blind, Gallaudet University, and the National Center for Law and the Deaf joined to develop materials and advise organizations regarding communication disabilities caused by hearing and vision loss.

- The Council of Better Business Bureaus Foundation, the Disability Rights Education and Defense Fund, and Barrier Free Environments are collaborating to provide assistance to small and medium-sized businesses.

- The National Conference of States on Building Codes and Standards and Paralyzed Veterans of America are working together to promote the certification of state codes for equivalency with the ADA accessibility guidelines.

- The National Restaurant Association and the National Center for Access Unlimited (itself a joint venture of United Cerebral Palsy Associations and Adaptive Environments Center) are producing materials to assist the food service industry with ADA compliance.

The value of partnerships in effective implementation of the ADA can also be demonstrated by efforts such as the collaboration between the California Department of Rehabilitation (the state agency charged with ADA implementation in California) and the California Chamber of Commerce. The two organizations have worked together both formally and informally to develop materials for businesses in the state and to conduct training seminars statewide.

A somewhat different example of cooperation involves a group of businesses in the San Francisco Bay area that began to meet as a small group informally over lunch to discuss ADA implementation. This collaborative approach allowed each company to avoid "reinventing the wheel" and to find the best solutions and share them. It also created an opportunity for the firms to "benchmark" compliance against each other. The net effect of this effort is that all the organizations involved--now more than 30 companies--benefit from some of the best thinking on ADA implementation available in the region.

Such cooperative efforts have created the accurate perception that ADA implementation need not be an adversarial activity but can be accomplished through partnerships and direct communication among those having a stake in compliance.

Exemplary Programs/Actions

At this stage of ADA implementation, most of the well-publicized exemplary efforts in employing and serving people with disabilities involve organizations that have been actively involved in this area for a long time.

When ADA Watch staff conducted interviews with professionals in the field, most expressed difficulty in identifying leading firms that had not already been exemplary long before there was an ADA. One staff person at a Project With Industry site said that she believed that the ADA's greatest effect at this stage, particularly in the employment area, was to encourage companies to remove administrative barriers and to train employees; the acid test was whether they actually began to hire people with disabilities.

According to many reports, the key factor that characterizes an exemplary effort under the ADA is leadership. One witness at a National Council on Disability hearing spoke about the challenges faced by small businesses in hiring people with disabilities. He then expressed his conviction, based on extensive work with small businesses, that the only way a small business, or any business, would become strongly proactive in complying with the ADA was if a "champion" in senior management set the pace for the firm.

Among the employers that have developed exemplary approaches are the winners of annual awards given by the President's Committee on Employment of People with Disabilities (PCEPD). The following are the employers most recently selected for those honors.

PCEPD Annual Awards--1992

Large employer, private:	Ross Stores, Inc., Ross Dress for Less Newark, CA
Large employer, public:	Headquarters, Army & Air Force Exchange Service Dallas, TX
Medium employer, private:	Western Administrative Support Center Seattle, WA
Small employer, private:	Carolina Fine Snacks of Greensboro Greensboro, NC
	River Valley Laundry Russellville, AR
Labor Award	American Federation of State, County and Municipal Employees AFL/CIO Washington, DC

The following are the top ten employers cited in a survey by *CAREERS & the disABLED* and the percentages of respondents who selected them.

Employer	Percentage
IBM	15.6
Federal government	10.0
AT&T	6.4
McDonald's	5.1
State government	3.8
Marriott	3.3
General Electric	2.6
Du Pont	2.3
Boeing	2.0
Hewlett-Packard	1.5
Sears	1.5

The clear pattern from these data is that large employers appear to be doing the best job; however, this may not portray the full picture in that the nature of the survey tends to favor larger firms. It would be useful to identify the characteristics of small to medium-sized firms, as well as larger ones, that receive high ratings from their employees with disabilities to create a set of guiding principles for effective employment of people with disabilities. Actions taken by some of the larger firms, such as Hewlett-Packard's Barrier Awareness Day, could be replicated at little cost by smaller firms.

Other promising efforts include the following.

- America West Arena, home of the Phoenix Suns professional basketball team, has taken a strongly proactive approach to including people with disabilities, including (a) incorporating 14 wheelchair sections in the facility, in all price ranges and viewing angles, and a "dog park" for service dogs; (b) making all concession counters 3 feet high to accommodate wheelchair users and people of short stature; (c) installing an assistive listening device for people with hearing impairments; (d) providing different ways to purchase tickets to ensure that people with all kinds of disabilities are able to do so; and (e) producing and disseminating a brochure entitled *Arena Access* that explains the various accessibility provisions of the facility.

- E-Systems, a Dallas-based firm, is a good example of a firm taking new steps to comply with the ADA. The company initiated significant efforts, including conducting a review of all employment-related processes and functions, and providing comprehensive employee training to ensure that their employees were informed and aware of the ADA's provisions and that all aspects of the employment process were in compliance.

- *Interior Design* magazine's August 1992 issue promoted universal design and compliance with the ADA. Article subjects included (a) an overview of the ADA; (b) examples of how design to accommodate people with disabilities can be graceful; (c) a portfolio of universal design products created by university students; (d) a public school designed to accommodate students with multiple disabilities; and (e) remarks from the conference, "Universal Design: Access to Daily Living," held in May 1992.

- The Kansas Relay Center has taken leadership on the development of telecommunications relay systems, providing assistance to other states and working to develop state-of-the-art methods for handling emergency calls.

- The Boulder County government in Colorado has shown how compliance with the ADA can be achieved by a county government, even within the budget constraints most local governments face. Actions it took included (a) conducting training for several hundred county employers and people with disabilities; (b) developing a clear, written summary of the requirements and action steps for the county to come into compliance with the ADA, a summary that has been used by others in the state for their own compliance efforts; (c) creating and using a series of self-evaluation checklists on issues such as architectural accessibility, employment processes, and communications methods; and (d) generally serving as a resource in the county on matters related to ADA implementation.

- The Ellis County courthouse in Waxahachie, Texas, needed an accessible entrance for wheelchair users. Community leaders cooperated to solve the problems associated with making this historic building accessible while preserving its historic integrity. An advisory committee of people with disabilities from the community was created to assist the county in its efforts, and an architectural firm reviewed options for creating the entrance. A gazebo was relocated to create an appropriate location for the ramp, and the basement floor was made level to enable wheelchair users to enter the building.

Many more such examples could be cited.

V. NEEDED ADA TECHNICAL ASSISTANCE/INFORMATION

One of the great concerns among people with disabilities and covered entities is that, despite extraordinary efforts by federal agencies, obtaining federal technical assistance has been very frustrating and difficult--some say impossible. This lack of assistance does not appear to be a result of insufficient effort or inefficiency on the part of the agencies. It is simply a matter of too much demand for the current staff and resources to meet. The problem exists at virtually every agency with ADA responsibility.

DOJ, EEOC, and the Access Board have attempted to remedy this problem in a number of ways, including voice-mail systems that, despite their efficiency, offend many callers who find them impersonal and ineffective. As the number and length of calls to the NIDRR Regional Centers have increased, the ability of their staff to provide substantive responses has been strained to the limit. Many callers to ADA Watch have expressed their frustration at the difficulty of getting the answers they need from the designated agencies or at the length of time it takes to receive a response.

The agencies are taking steps to remedy some of these problems. For example, DOJ and the Access Board are currently investigating new telephone systems for both voice and TDD that will handle calls more efficiently, and the EEOC has trained its regional office staff to respond to ADA calls, relieving some of the pressure on headquarters.

While the federal government has taken major steps to provide ADA information and technical assistance, much more basic information about the ADA, as well as specific technical assistance, is needed for implementation to proceed fully and effectively. Federal and state agencies have reported that the demand for information has overwhelmed their staff and budgets.

Finding 10: The need for information and technical assistance continues to grow, outstripping federal and state resources.

As more and more individuals and organizations learn about the ADA, the need for information and technical assistance will increase. One of the myths about ADA implementation is that, once a certain threshold is passed, probably within the next year or two, the need for ADA assistance will be significantly reduced. The nation's experience with the Rehabilitation Act of 1973 suggests otherwise: that law has been in place for nearly 20 years, and many covered entities still do not know what compliance involves.

Implementation of the ADA is off to a much better start than implementation of the Rehabilitation Act in terms of both development of regulations and technical assistance materials. This is in part because the federal government has learned from its experience with the Rehabilitation Act what information the public needs. However, the ADA covers many more entities than the Rehabilitation Act and is far more comprehensive, and there will be a long-term need for technical assistance.

Without some course corrections in information dissemination and technical assistance strategies under the ADA, the demand will continue to overwhelm government resources.

Lack of Awareness

Finding 11: **While efforts to inform people with disabilities and covered entities about the ADA have been substantial, many large gaps still exist.**

The federal government has taken major steps to inform Americans about the ADA through its grant programs, information hotlines, publications, and other approaches (e.g., sending an insert in an IRS mailing to businesses). However, according to a 1991 Louis Harris poll, only 14 percent of Americans said they were "very familiar" with the ADA, and 42 percent said they were "unfamiliar" with it. While awareness has probably increased through media coverage and other information dissemination efforts since the poll, the number of those very familiar with ADA probably remains low.

The federal government could significantly increase ADA awareness by developing public service announcements (PSAs) and working with the National Association of Broadcasters, the television networks, and the Advertising Council to have these PSAs broadcast on radio and television nationwide. One important benefit of such a campaign would be to address the misinformation and disinformation being spread by unscrupulous or ill-informed individuals.

Recommendation 2

The federal government should plan, coordinate, and fund a media campaign to disseminate accurate information about the ADA through public service announcements on radio and television.

Using celebrity spokespersons or other public figures could increase the interest in the announcements on television. As Justin Dart, Jr., chairman of the PCEPD, testified at an ADA Watch public hearing, "Twenty words by the President, the Vice President, or leaders of Congress on national television is worth 20 million brochures." Accurate, helpful information is needed to inform covered entities and people with disabilities of their rights and obligations.

Finding 12: Minorities with disabilities, overrepresented in the disability community, are significantly underreached by current ADA information and technical assistance efforts.

The obstacles facing minorities with disabilities are particularly great. (These are addressed in greater depth in Section VI.) At this point, there is a substantial need for a targeted information dissemination strategy for minority communities. DOJ has taken an initial step to address this issue by funding a grant to the Foundation on Employment and Disability in California to develop information targeted to minority communities. The "mass market" approach discussed above can be one piece of this picture, but only one piece. As one minority witness said to the National Council on Disability, "Everyone watches TV." Another emphasized radio as an effective medium--both general audience stations and those targeted to minority groups.

The mechanisms for specifically targeting each minority group may vary. For some groups, the use of languages other than English (e.g., Spanish or Chinese) will be required. In some instances, alternative information delivery systems will be important, such as targeting Native Americans through their tribal communities. Special attention must be paid to the cultural characteristics of each group to ensure that the message is clearly communicated and that voluntary compliance with the ADA is increased.

Recommendation 3

New materials and dissemination strategies should be developed that are targeted to, and sensitive to the needs of, African Americans, Native Americans, Hispanic and Latino populations, Asian Americans, Pacific Islanders, and other minority populations.

According to testimony received by the National Council on Disability at its ADA Watch public hearings, there is still a great need for ADA information nationwide, particularly among small businesses and in smaller communities

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outside major metropolitan areas. Organizations such as the Kiwanis, Lions, and Rotary Clubs may be helpful in reaching smaller communities. The Small Business Administration, the National Federation for Independent Business, and certain industry-specific associations could be key to reaching small businesses. Efforts by the Council of Better Business Bureaus Foundation could also be expanded.

To reach people with disabilities in smaller communities, tapping into social service networks and local government and civic organizations could be useful. The "Calling on America" campaign of Jim Brady and the National Organization on Disability has been particularly effective in motivating such communities to meet the needs of their citizens with disabilities.

Recommendation 4

Systematic outreach and technical assistance efforts should be initiated that focus on small businesses and communities outside major metropolitan areas.

One key to a successful strategy for dissemination of information and technical assistance is to allow more of this work to be done by entities that are located close to where the questions arise. For example, EEOC has taken steps to train its field representatives to serve as ADA advisors. To the extent that county governments, local businesses, disability groups, and others can take on this responsibility, the federal agencies at the headquarters level will be able to focus more on the development of policy guidance.

Recommendation 5

The dissemination of ADA information and technical assistance materials should be increasingly decentralized and moved out of the federal sector.

A representative from Hawaii testified to the National Council that the sheer distance from the mainland, coupled with the unfortunate consequences of the time differences in reaching DOJ and the Access Board for technical assistance support, creates a disincentive to comply with the ADA. The U.S. Trust Territories face a similar problem. The people in these distant regions feel that they have very little support. The geographical factors are complicated

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by cultural differences that affect ADA implementation and especially the government's ability to communicate effectively the requirements and methods for complying.

Recommendation 6

Federal technical assistance projects should be established in Alaska, Hawaii, and the Trust Territories.

Funding for technical assistance must be sustained for a sufficient period of time to ensure that the benefits of the ADA are not lost through lack of awareness.

Need for Targeted Assistance

Finding 13: **As organizations and individuals advance in their knowledge of the ADA, their questions are becoming increasingly sophisticated and technical, often requiring complex responses.**

The NIDRR Regional Disability and Business Technical Assistance Centers, as well as EEOC and DOJ staff, have observed that the questions on ADA implementation that they are receiving have become increasingly sophisticated and technical. This is a function of the ordinary maturation of understanding related to implementation of any law.

The organizations that represent and serve covered entities and people with disabilities have expressed an interest in taking a more active role in the development of more industry- and profession-specific materials. The federal sector could profit from new or more effective mechanisms whereby these organizations assist in the creation of these kinds of materials.

Recommendation 7

The next generation of technical assistance materials should be more industry- and profession-specific.

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On a similar note, the first round of grants by DOJ focused primarily on people with disabilities and businesses, with little emphasis on state and local governments. The fact that as many complaints have been filed against state and local governments as against public accommodations (see Section III) suggests that the need for technical assistance is significant among these government entities. DOJ has indicated that it intends to increase its efforts to provide technical assistance to state and local governments in FY 1993.

Recommendation 8

More technical assistance should be provided to state and local government entities.

Finding 14: Covered entities are looking for the greatest degree of certainty of being in compliance with the ADA that the federal government can offer.

The complaint most often heard about the ADA from covered private sector entities was the legislation's "soft" or "vague" language. This concern has come to be expressed as the need to know exactly what is required for compliance and when an entity can be certain that the actions taken are satisfactory. To date, the federal agencies have not formally endorsed or certified the ADA technical assistance materials as being valid guides for determining when an entity is in compliance.

Recommendation 9

The federal government should formally endorse technical assistance materials to increase public confidence in their validity as standards for ADA compliance.

Finally, it is becoming increasingly important for the federal government to step out of the role of primary provider of technical assistance and to become more of a catalyst for the provision of technical assistance by the business and disability communities. This can be achieved through symposia, summit meetings, training sessions, and other vehicles that link leaders from the disability community and the private sector with the federal sector.

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Recommendation 10

The federal government should cultivate and coordinate ADA leadership in the private sector and the disability community and thereby become more the catalyst than the provider of technical assistance.

This leadership in the private sector, both in the disability community and in the business community, is already beginning to develop as a result of the various grants for technical assistance projects that have been awarded by federal agencies. However, further development of such ADA leadership will be needed, particularly in underserved areas such as rural and minority communities. This process will enhance the likelihood that the materials developed will meet the needs of the populations that these communities serve.

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VI. ADA ISSUES REQUIRING FEDERAL ACTION

While many dedicated people helped to create the ADA, no one could have anticipated all of the specific questions or issues that would ultimately arise under this new law. This section provides an overview of the emerging issues under the ADA; it is not exhaustive, but only indicative of the issues that will require the attention of the federal government in the coming years.

The ADA and Other Disability Laws

Finding 15: As ADA regulations become more refined, the ADA's relationship to other federal disability nondiscrimination laws is becoming clearer in certain areas and more confused in others.

The revisions recently made to the Rehabilitation Act of 1973 point to the reality that the ADA will set the standard for other disability laws. The language and provisions of the ADA, while drawn in large part from Section 504 of the Rehabilitation Act, have now become the conceptual framework for the next generation of disability law.

The precise nature of the relationship between the ADA and other federal disability laws is, however, only now beginning to be understood. Issues that are beginning to emerge include the following:

- The definitions of disability vary from law to law (with estimates as high as 42 different definitions), and efforts are needed to apply standard definitions to the extent practicable.

- The existence of several different accessibility standards and guidelines has created some concern over which standards to use.

- It is often not clear where one law begins and another ends (e.g., the ADA, the Rehabilitation Act, and the Fair Housing Act).

Federal agencies are already attempting to address these issues. DOJ has begun to work with the Department of Housing and Urban Development (HUD) and other agencies to investigate the ADA/Rehabilitation Act/Fair Housing Act relationship. Such coordination could be enhanced through the Interagency Disability Coordinating Council established under the Rehabilitation Act Amendments of 1992.

Recommendation 11

The Interagency Disability Coordinating Council should identify and address gaps in coverage, conflicting definitions of terms, and problems of overlapping jurisdiction of federal disability nondiscrimination laws.

Among the areas being mentioned as unresolved are accessibility of existing post offices (applying "program accessibility" standards under Section 504 has either not been attempted or has not been effective in enabling people with disabilities to use older postal facilities) and the status of volunteers/ unpaid staff for covered employers. There is a proposal to create an entity with ongoing responsibility to work with DOJ's Civil Rights Division to address these issues.

As new questions arise and the various federal agencies with implementation responsibility respond to them, covered entities and people with disabilities will want to learn about the responses as soon as possible. Timely publication and dissemination of ADA technical guidance memoranda would have great value in directing efforts to implement the ADA in the most constructive manner.

Recommendation 12

The Department of Justice, the Equal Employment Opportunity Commission, the Department of Transportation, the Federal Communications Commission, and the Access Board should prepare and disseminate regular technical guidance memoranda regarding ADA policy decisions.

Key Implementation Issues

The early days of ADA implementation have progressed smoothly, given the comprehensiveness and complexity of the law. However, the list of implementation issues to be addressed continues to grow as the details of the law and regulations are applied in practice. The evolving interpretation and application of the ADA is raising significant issues with potentially wide application.

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Specific Disabilities

One matter of concern relates to certain populations of people with disabilities and the impact of ADA implementation upon them.

Finding 16: People with certain kinds of disabilities, such as vision and hearing impairments, short stature, and environmental illness, are becoming frustrated with the way ADA implementation efforts are being conducted.

People with vision and hearing impairments have expressed concern that, even in federally conducted activities such as training and technical assistance efforts, accommodations have not been made for them. People of short stature have raised major concerns about the impact of ADA accessibility guidelines on people with their disability. The following issues have been mentioned.

- Restrooms--faucet and door handles, dryers, dispensers out of reach; toilets too high.
- Public phones--buttons and coin slots still out of reach.
- Public water fountains--even accessible fountains too high.
- Elevator controls--even accessible buttons too high, except for lower floors; reach bars not helpful for heat-sensitive buttons.
- Banking--counters too high; drive-up facilities impossible to use; ATM out of reach; LED windows not visible.
- Electric doors--electronic eye too high for some; possible to become trapped between doors.
- Schools--fountains, restrooms, door knobs, cafeteria lines, lockers out of reach.
- Transportation--school buses need seat belts for short children and a fold-out step; some children need to be lifted. (Note: A recommendation to resolve this might be to allow short people to stand on the wheelchair ramp on accessible buses; this is now prohibited.)
- Libraries--card catalog drawers too high.

- Supermarkets--items out of reach; carts too tall.

- Hotels--registration desks and restroom facilities too high. (Note: A recommendation to make stools available upon request.)

Finding 17: **Despite the broad scope of the ADA, there still appear to be some gaps in coverage, such as full protection for people with environmental illness.**

Several previously unrecognized disabilities are emerging in the awareness of the American public. For example, there is increased awareness of people with severe head injury caused by violence or other trauma. Individuals with multiple chemical sensitivities and environmental illnesses have become increasingly vocal about the effects of tobacco smoke, chemicals, and perfumes in hotels, restaurants, bars, and other places of public accommodation. Regulations and guidelines they recommend include prohibiting smoking in public gathering places including hallways, forbidding department stores from spraying perfumes in the air, and removing perfumed deodorizing devices from restrooms and other common areas.

Recommendation 13

Congress and the Administration should consider legislation to address the needs of people with "emerging disabilities," such as those with head injuries resulting from violence or other trauma and those with environmental illnesses who are severely adversely affected by secondary smoke or other pollutants in public places.

Technical Issues

Finding 18: **Numerous technical issues involving the interpretation and application of the ADA and its regulations have been raised, including the use of edge warning devices on transit platforms and accessibility standards for recreational areas.**

The enormous number of specific technical issues arising under the ADA precludes an exhaustive discussion of them in this report. However, one newly emerging concern is the movement, particularly in the federal sector, toward

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use of the UNIX computer system. As of now, the technology does not exist to make this system fully accessible for people with vision impairments. An Atlanta-based firm is reportedly working on the solution to the problem, but is undercapitalized. One expert has estimated that an investment of $500,000 or more may be required to develop this technology.

Other technical issues being examined at this time include whether and how to use edge warning devices on transit platforms, and accessibility requirements for recreation and wilderness areas. The National Council on Disability has examined some of these issues in a recent report to the President and the Congress.

Employee Benefits

Finding 19: Major elements of employee benefit plans are being called into question by the ADA, such as whether an employer's health care plan may discontinue coverage of certain benefits specifically needed by people with disabilities.

A recent issue of the *Benefits Law Journal* was dedicated to the study of the ADA's impact on employee benefit plans. This represents only one manifestation of a growing awareness about the potential impact of the ADA in this area. One set of policy issues concerns the responsibilities of employers and insurers in providing health insurance to people with disabilities. The national debate on health care reform is focusing, at least in part, on the ADA since the Oregon Medical Waiver Request was rejected by the Bush Administration because it was found to violate the ADA.

This issue will be one of the most important ADA-related concerns over the next several years. After the first year of ADA Watch, an Insurance Task Force of the President's Committee on Employment of People with Disabilities was assembled to consider these issues and to make recommendations to resolve them. A related issue of particular concern to employers, also being addressed by a task force of the PCEPD, is the impact of the ADA on workers compensation costs and procedures.

Minorities with Disabilities

The National Council on Disability has taken a great interest in issues of concern to minorities with disabilities, particularly as these issues relate to the ADA. The Council has held two substantive meetings to learn about such minority issues. Key findings that have come from these meetings include the following:

- Individuals who are members of minority groups and who have disabilities often experience double discrimination, and it is sometimes difficult to discern the specific source of discrimination at any instance. Minority women with disabilities also note gender discrimination, thereby increasing the source of discrimination to three possible categories.

- Individuals with disabilities who are members of minority groups tend to have higher unemployment rates and lower participation in disability programs than other members of the disability community, making them among the poorest of the poor.

- Minorities, in general, are disproportionately represented among the population of people with disabilities. Certain minority groups show an overrepresentation of disabilities; for example, Native American men are seven times more likely to develop a disability by age 26 than are members of the general population.

- Minority persons with disabilities tend not to know about their rights under nondiscrimination laws. One estimate by an expert who testified at a National Council conference on the needs of minority members with disabilities is that fewer than 10 percent of such individuals know about the ADA.

Moreover, cultural factors can complicate the problems people with disabilities face. For example, one witness noted that certain Asian cultures carry stereotypes about people with disabilities that are especially difficult to address. Another noted that distrust of government is often prevalent in certain minority communities, reducing the potential for the ADA to be effective as a means of eliminating discrimination.

The following were among the actions recommended by those speaking at the National Council's meetings.

- Conduct ADA outreach through mass media, community institutions, and in locations that will reach minority populations;

- Provide materials and information in other languages, simpler English, and in culturally appropriate media; and

- Conduct hearings in other languages and use multilingual sign language interpreters for hearings conducted in English.

Government Services and Programs

Finding 20: The role of traditional government activities in support of people with disabilities and the application of previously existing disability laws are being affected by the ADA.

One additional matter is being raised as a long-term issue: the effect of the ADA on the delivery of government services and programs for people with disabilities. As the ADA is enhancing the ability of people with disabilities to live independently, the traditional government support programs will take on a different character that is more consistent with the philosophy of the independent living movement. Ultimately, the philosophical foundation and resulting policies of all disability programs should be consistent with those of the ADA.

For example, government funding should be redirected to enable:

- Families to support their children with disabilities at home;
- All children to attend regular, neighborhood schools with peers of their own age;
- Youth with disabilities to train alongside their nondisabled peers for active jobs and careers; and
- All adults with disabilities to live in their communities through independent and supported living arrangements and with the aid of increased provision of affordable personal assistance services and assistive technology.

VII. RESEARCH AGENDA

The data available on people with disabilities have, historically, been very limited. Census data regarding work disabilities and activity limitations have provided useful but limited information for public policy decision making. Other data sources have not been sufficiently comprehensive or focused to allow for informed disability policy analysis. There are very few national data bases that address disability.

For example, the Survey of Disability and Work conducted by the Social Security Administration in the 1960s and 1970s provided some very useful information, but dealt exclusively with the working-age population. More important, it is now not being conducted at all. The Survey of Income and Program Participation (SIPP) has not been conducted recently and did not offer adequate information on a broad range of disability issues. The National Health Interview Survey and National Medical Expenditure Survey have been valuable in helping to assess health care utilization, but much less useful for considering other disability policy issues such as housing, transportation, and income maintenance.

As a second illustration of the problem, estimates of the number of children with disabilities range from 1 million to 10 million, clearly too large a range to be very useful in developing disability policy. Similarly, it is very difficult to obtain good data on many low-prevalence conditions such as Friedreich's Ataxia and Tourette's Syndrome, or even spinal cord injury. The ADA has created a need and an opportunity for an expanded research agenda.

Current Research

Finding 21: **There is a growing body of information about such issues as perceptions of the ADA, costs of implementation, and attitudes toward ADA responsibilities that will enable policymakers to prioritize implementation efforts more effectively.**

Since the passage of the ADA, a number of surveys have been conducted by associations and other organizations trying to understand the impact of the ADA. For example, the Bureau of National Affairs conducted an employee survey to identify, among other things, whether fellow employees of people with disabilities considered it fair to have their jobs altered in some way to accommodate a person with a disability. One set of data from this study describes what respondents thought should be considered as disabilities. Among the conditions that fewer than half the respondents identified as "legitimate" disabilities were alcoholism, drug addiction, cancer, AIDS, and diabetes. The potential for discrimination against people with these conditions may well prove to be higher than for others.

The survey of 385 companies conducted by Buck Consultants (noted in Section II of this report) contained several significant findings in addition to those reported earlier. For example, industrial firms reported somewhat higher levels of ADA understanding than service firms or others: 46 percent of industrial firms rated their understanding as high (i.e., 4 or 5 on a 5-point scale), while 42 percent of service firms and 36 percent of others reported the same. However, on the same scale, only 31 percent of industrial firms rated their level of preparedness as high, slightly less than the 33 percent reported by the service and other firms. This suggests that greater understanding of the ADA does not necessarily lead to greater preparedness.

Two current studies by the U.S. General Accounting Office (GAO)--one on public accommodations and one on transportation--will help to assess the cost of implementation. The GAO is reportedly also contemplating a study on employment under the ADA. The Access Board has developed a proposed ADA research agenda. The topics for priority consideration were published in the *Federal Register* and are listed in Appendix I. Other surveys have been conducted by organizations such as the American Management Association to identify levels of awareness and compliance activities. However, much research remains to be conducted.

Finding 22: The progress and impact of the ADA cannot be fully determined with existing data sources, and substantial additional research is needed.

The availability of disability statistics will probably increase somewhat in the years to come. For example, the Department of Health and Human Services held a two-day conference in December 1992 to discuss directions for the development of statistical data on disability. The conference was scheduled to follow immediately the research conference sponsored by the National Council on Disability in Washington, DC. As data of all kinds become increasingly available, one very substantial task will be to coordinate the information, interpret it, and apply it to policy questions; the need is not just for information, but for a framework to analyze it.

Needed Research

Given the gaps in existing data and the need to know with some confidence how to direct resources, the time has come to make a concerted effort at the federal level to develop a strong research agenda on disability-related concerns and issues.

Recommendation 14

A comprehensive research agenda should be developed to measure the nation's progress in meeting the ADA's four goals of equality of opportunity, full participation, independent living, and economic self-sufficiency.

Despite the growing amount of data being generated, additional information is needed to determine what effect the ADA is having on covered entities and on people with disabilities. The opportunity presented by data collection efforts related to these goals is to provide needed information to guide disability policy for many years to come.

A large-scale longitudinal study to determine whether and how the ADA is meeting the needs of people with disabilities would be extremely useful. Such a study could be conducted by a joint effort of the U.S. Bureau of the Census, the National Center for Health Statistics, the National Institute on Disability and Rehabilitation Research, the National Center for Medical Rehabilitation Research, and the various departments and agencies responsible for implementing the ADA.

Recommendation 15

Congress should authorize and fund a large-scale longitudinal study to determine how the needs of people with disabilities are being met over time as the ADA is implemented.

In the current economic environment, with concerns about the federal budget deficit, proposing additional funds for any federal activity seems questionable. However, the costs of implementing the ADA have been rightly considered an investment. As covered entities and people with disabilities learn about the ADA, opportunities will be created for individuals with disabilities to move from public support into circumstances in which they can contribute to the tax base.

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Recommendation 16

Funding for federal government ADA information dissemination, technical assistance activities, and research should be adequate to ensure the successful ongoing implementation of the law.

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APPENDIX A

ADA Watch Brochure

Sandra Swift Parrino
Chairperson

A. Kent Waldrep, Jr.
Vice Chairperson

Linda W. Allison

Larry Brown, Jr.

Ellis B. Bodron

Mary Ann Mobley Collins

Anthony H. Flack

John A. Gannon

John Leopold

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Helen W. Walsh

NCD/ADA WATCH
8200 Professional Place
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Landover, MD 20785

THE NATIONAL COUNCIL ON DISABILITY

IS PLEASED TO
ANNOUNCE. . .

ADA WATCH

A PROJECT ON THE
AMERICANS WITH
DISABILITIES ACT

WHAT IS ADA WATCH?

ADA Watch is a project of the National Council on Disability to monitor implementation of the Americans with Disabilities Act (ADA). The ADA is a landmark federal civil rights law that provides protection against discrimination for people with physical or mental disabilities. Areas covered by the ADA are employment, public accommodations, transportation, telecommunications, and state and local government.

WHAT IS THE GOAL OF THE WATCH?

The ADA Watch will observe and report on the ADA. Does the ADA achieve what it was designed to do? Does it provide equal opportunity for people with disabilities to participate fully in American life? The Watch will look at the effect of complying with the ADA on businesses, governments, and other groups covered by it. The ADA Watch will also observe and report on the challenges and opportunities presented to people with disabilities.

The ADA Watch team will gather information from individuals and organizations to learn the "good news" and "bad news" of ADA implementation.

HOW DOES THE ADA WATCH WORK?

The ADA Watch team is developing a network of organizations and individuals that are involved and interested in the ADA. The members of this extensive network will provide specific information about their own experiences with the ADA or the experiences of those they represent.

In addition, the ADA Watch will be involved in several other kinds of information-gathering, including:

- *Media tracking* to gather stories about the ADA from the press
- *Information sharing* with those organizations and agencies already collecting ADA data
- *Toll-free (800) telephone line* for those who want to provide ADA-related information to the Watch
- *Public meetings* (at least two per year) to provide a public forum to discuss ADA implementation

Five advisory committees (one for each ADA area -- public accommodations, employment, state and local government, telecommunications, and transportation) will also provide expert assistance to the ADA Watch team.

HOW DO I FIND OUT MORE ABOUT THE ADA WATCH?

If you would like to know more about the ADA Watch, or to provide specific information that may be useful to the project, please write or call either the National Council on Disability or our ADA Watch contractor.

National Council on Disability
800 Independence Avenue, SW
Suite 814
Washington, DC 20591

(202) 267-3846 (voice)
(202) 267-3232 (TDD)
(202) 453-4240 (fax)

ADA WATCH CONTRACTOR

Robert G. Kramer & Associates, Inc.
8200 Professional Place
Suite 112
Landover, MD 20785

(301) 577-7814 (v/TDD)
(301) 577-4603 (fax)

APPENDIX B

ADA Watch
Public Hearing Agenda

Washington, DC
June 15-16, 1992

NATIONAL COUNCIL ON DISABILITY
ADA WATCH

Public Hearing on the Americans with Disabilities Act
Room 106, Senate Dirksen Office Building
Washington, DC
June 15-16, 1992

- AGENDA -

Monday, June 15, 1992

9:00 - 9:45 a.m. Opening Remarks

Sandra Swift Parrino, Chairperson, National Council on Disability

John R. Dunne, Assistant Attorney General, Civil Rights Division, U.S. Department of Justice

9:45 - 11:00 a.m. Employment Panel #1

Christopher G. Bell, Acting Associate Legal Counsel for ADA Services, Equal Employment Opportunity Commission

Justin Dart, Jr., Chairman, The President's Committee on Employment of People with Disabilities

Barbara T. Judy, Project Manager, Job Accommodation Network

11:00 - 11:15 a.m. Break

11:15 a.m. - 12:30 p.m. Employment Panel #2

Susan Meisinger, Vice President for Government Affairs, Society for Human Resource Management

Wendy Lechner, Manager, Research and Policy Development, National Federation of Independent Business

Mitchell Travers, President, The Travers Group

Richard Gunden, President and CEO, The Ability Center of Greater Toledo

Monday, June 15, 1992 (cont.)

12:30 - 2:00 p.m. Lunch

2:00 - 3:15 p.m. Public Accommodations Panel #1

Remarks: *The Honorable Steny H. Hoyer*, U.S. House of Representatives

Gordon H. Mansfield, Assistant Secretary for Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development; Chairman, U.S. Architectural and Transportation Barriers Compliance Board

John L. Wodatch, Director, Office on the Americans with Disabilities Act, U.S. Department of Justice

Robert D. Lynch, American Institute of Architects

James C. Dinegar, Vice President, Government and Industry Affairs, Building Owners and Managers Association

3:15 - 3:30 p.m. Break

3:30 - 4:45 p.m. Public Accommodations Panel #2

Barbara Bode, Vice President and Executive Director, Council of Better Business Bureaus' Foundation

Maureen McCloskey, Paralyzed Veterans of America

Barry F. Scher, Vice President of Public Affairs, Giant Food Inc.

Sally Weiss, Information and Publications Coordinator, United Cerebral Palsy Association

Robert Watson, Executive Director, DateAble

Tuesday, June 16, 1992

9:00 - 9:15 a.m. Opening Remarks

Sandra Swift Parrino, Chairperson, National Council on Disability

The Honorable Benjamin A. Gilman, U.S. House of Representatives

The Honorable Hamilton Fish, Jr., U.S. House of Representatives

9:15 - 10:45 a.m. Cross-Content Area Issues

William H. Graves, Director, National Institute on Disability and Rehabilitation Research, U.S. Department of Education

Carolyn L. Feis, Program and Evaluation Methodology Division, U.S. General Accounting Office

Paul Marchand, Director, Governmental Relations, The Arc

John Ambrose, National Mental Health Association

10:45 - 11:00 a.m. Break

11:00 a.m. - 12:30 p.m. Transportation

Receiving testimony: *The Honorable William F. Goodling*, U.S. House of Representatives

Donald Trilling, U.S. Department of Transportation

Rosalyn Simon, Executive Director, Project ACTION

Tom Waldron, Director of Operations, Virginia Railway Express; American Public Transit Association

David Raphael, Community Transportation Association

Paul Schroeder, Director, Governmental Affairs, American Council of the Blind/Transportation Co-Chair, Consortium for Citizens with Disabilities

Tuesday, June 16, 1992 (cont.)

12:30 - 2:00 p.m. Lunch

2:00 - 3:15 p.m. Telecommunications

The Honorable John McCain, United States Senate

Linda B. Dubroof, Director of TRS Implementation, Federal Communications Commission

Pamela Ransom, Telecommunications for the Deaf, Inc.

David Rosenthal, Kansas Relay Service

3:15 - 3:30 p.m. Break

3:30 - 4:45 p.m. State and Local Government

Stewart B. Oneglia, Chief, Coordination and Review Section, Civil Rights Division, U.S. Department of Justice

Marian Schooling Vessels, Special Assistant to the Governor for the Americans with Disabilities Act; Executive Director, Maryland Governor's Committee on Employment of People with Disabilities

Homer Page, Commissioner, Boulder County, Colorado; National Association of Counties

Curt Decker, Executive Director, National Association of Protective and Advocacy Systems

Tony Scallon, Council Member, City of Minneapolis

4:45 - 5:00 p.m. Closing Remarks

Sandra Swift Parrino, Chairperson, National Council on Disability

APPENDIX C

ADA Watch
Public Hearing Agenda

San Francisco, California
October 20, 1992

NATIONAL COUNCIL ON DISABILITY
ADA WATCH

Public Hearing on the Americans with Disabilities Act
Ballroom C, San Francisco Marriott Hotel
San Francisco, California
October 20, 1992

- AGENDA -

8:45 - 9:00 a.m. Opening Remarks

Kent Waldrep, Vice Chairperson, National Council on Disability

9:00 - 9:45 a.m. Overview Panel

William Tainter, Director, California Department of Rehabilitation

Melanie Wiegner, Legal Advisor, California Chamber of Commerce

Erica Jones, NIDRR Region IX Technical Assistance Center

9:45 - 11:00 a.m. Public Sector

Sheila Conlon Mentkowski, Advocacy Director, NORCAL Center on Deafness

Michael Humphrey, Executive Director, Santa Rosa Independent Living Center

Les Treece-Sinclair, ADA Implementation Section, California Department of Rehabilitation

11:00 - 11:15 a.m. Break

11:15 a.m. - 12:15 p.m. Open Forum

Comments from the floor

12:15 - 1:30 p.m. Lunch

1:30 - 2:45 p.m.	Private Sector

Catherine Kelly Baird, California Governor's Committee for the Employment of Disabled Persons

Jeanie Hanks Van Amen, Los Cerritos Center (Orange County)

Guerry Dalrymple, America West Arena representative

Bruce Flynn, Wells Fargo

2:45 - 3:00 p.m.	Break
3:00 - 4:15 p.m.	Non-Profit Sector

Dr. Harry Murphy, University of California, Northridge

Florence Curnutt, San Jose Community College

Jill Singer, Administrator, Ambulatory Health Care Program, California Medical Association

Susan Cota, California Medical Association Task Force on Accessibility of Medical Services

4:15 - 5:15 p.m.	Open Forum

Comments from the floor

5:15 - 5:30 p.m.	Closing Remarks

Kent Waldrep, Vice Chairperson, National Council on Disability

APPENDIX D

U.S. Department of Justice
ADA Technical Assistance Grantees

U.S. DEPARTMENT OF JUSTICE
ADA TECHNICAL ASSISTANCE GRANTEES

American Foundation for the Blind, and Gallaudet University - National Center for Law and the Deaf Washington, DC	Provide technical assistance to consumers and covered entities relating to communications barriers resulting from hearing and vision loss; develop and distribute pamphlets targeted at restaurants, the hospitality industry, places of assembly, health care providers and consumers
American Hotel and Motel Association Washington, DC	Disseminate ADA information, develop & conduct seminars at state-level Association conferences, articles and an ADA compliance handbook for the lodging industry
American Speech-Language-Hearing Association Rockville, MD	Disseminate ADA information to people with communications disabilities, including retail stores, daycare centers, places of assembly, and emergency service providers, conduct national training workshops and telephone assistance on communications access issues
The Association for Retarded Citizens of the United States Arlington, TX	Disseminate ADA information as it applies to individuals with mental retardation; establish center to disseminate information to restaurants, hotels and motels, retail stores, and places of public assembly nationally on how to provide cognitively accessible services; conduct Title III training for Arc chapters and child care facilities; create a resource book for child care centers
The Association on Higher Education and Disability Columbus, OH	Collaborate with the National Clearinghouse on Licensure Enforcement and Regulations to develop a manual on "Testing Accommodations for Students with Disabilities"; provide a telephone hotline for ADA information
Building Owners and Managers Association Washington, DC	Conduct nationwide seminars for building owners and managers on ADA requirements for commercial facilities and places of public accommodation
Council of Better Business Bureaus' Foundation Arlington, VA	Educate small and medium-sized business members on Title III obligations; provide resources for alternative dispute resolution and educational materials; collaborate with DREDF and Barrier Free Environments to conduct meetings with business and disability groups
Disability Rights Education and Defense Fund Washington, DC	Establish telephone information line for Titles II and III; conduct regional seminars for community representatives to assist individuals with rights and responsibilities; provide training and resources for groups nationwide
Eastern Washington University Center for Health Research Cheney, WA	Produce videotapes, printed materials and public service announcements to serve as resources for daycare centers nationally, and conduct training for daycare providers
Food Marketing Institute Washington, DC	Collaborate with the National Center for Access Unlimited to disseminate information to grocery chains; develop ADA starter kit; conduct seminars and exhibit at 1992 Convention
Foundation on Employment and Disability Torrance, CA	Provide materials and presentations to community organizations; telephone information lines for minority communities in California; DOJ projects' resource on minority issues

Institute for Law and Policy Planning Berkeley, CA	Produce documentaries on barrier removal in places of public accommodation available at the ADA Regional Disability and Technical Assistance Centers and other technical assistance and training projects
National Association of Protection and Advocacy Services Washington, DC	Conduct training seminars on nonlegal dispute resolution, self-advocacy, and voluntary compliance, and provide funding and materials to the network of Protection and Advocacy Service Centers and Client Assistance Programs
National Center for State Courts Williamsburg, VA	Disseminate publications, checklists, compliance strategies for state and local courts; provide a model academic curriculum for future judges and court administrators
National Conference of States on Building Codes and Standards Herndon, VA	Collaborate with Paralyzed Veterans of America to promote certification of state codes for equivalency with ADA standards, promote voluntary compliance with new construction and alterations requirements, develop alternative dispute resolution models, and hold a national seminar on certification, appeal, and complaint procedures
National Federation of the Blind Baltimore, MD	Conduct "Information Access Project" to assist entities in finding methods for converting visually displayed information into formats accessible for individuals who are visually impaired; resource for other grantees
National Rehabilitation Hospital Washington, DC	Provide informational materials, seminars, and a consumer brochure for doctors, hospitals, health care facilities, and health care consumers, as well as an accessibility checklist and compliance handbook for facility managers
National Restaurant Association Washington, DC	Produce and distribute informational material, compliance manual, videotape for the food-service industry; collaborate with the National Center for Access Unlimited on a booklet with self-inspection checklists, applications of compliance techniques and training on barrier removal, alterations, new construction, attitudes, and dispute resolution
Police Executive Research Forum Washington, DC	Collaborate with the Epilepsy Foundation of America and Eastern Kentucky University's Police Studies Department Training to develop model policies and procedures for police and sheriff's departments, information/training materials, videotape, brochure and handbook for organizations serving police and persons with disabilities

APPENDIX E

Project ACTION, Demonstration Projects (Phases I and II)

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PROJECT ACTION
DEMONSTRATION PROJECTS
- PHASE I -

Grantee	Goal
Oregon State University Corvallis, Oregon	Design a securement system for mobility aids in "common use" on public transportation vehicles.
Massachusetts Coalition of Citizens with Disabilities Boston, Massachusetts	Increase the use of the statewide transportation system developed in Massachusetts.
Florida Alliance for Employment of the Handicapped Tallahassee, Florida	Develop a method for determining the need for accessible transportation which can be used at the operations level and which includes key persons in the local community.
Housatonic Area Regional Transit Danbury, Connecticut	Develop a model program designed to identify people with disabilities in the community and their transit needs; develop outreach and marketing strategies.
Focus on Community Understanding and Services Columbus, Ohio	Train consumers with disabilities and transit personnel; conduct marketing and outreach programs.
Southeastern Pennsylvania Transportation Authority Philadelphia, Pennsylvania	Develop a low-cost, modular partial high-level platform and ramp to improve regional accessibility and access to the SEPTA commuter rail system for wheelchair users.
Cerenio Management Group San Francisco, California	Train transit users with disabilities as sensitivity trainers of transit personnel and travel trainers for other people with disabilities.
Hiram G. Andrews Center Johnstown, Pennsylvania	Design and carry out attitude, awareness, and interactive training programs for transit personnel to raise sensitivity to persons with "hidden" disabilities.
Buckeye Paralyzed Veterans of America Euclid, Ohio	Train persons with disabilities to fully utilize the Greater Cleveland Regional Transit Authority's expanding accessible fixed route transportation; develop a receptiveness and sensitivity toward persons with disabilities among transit employees.
Regional Transportation Commission Reno, Nevada	Develop a program to teach people with disabilities to effectively use accessible public transportation in the Reno-Sparks metropolitan area; provide skills usable in other public transportation systems.
Easter Seal Society of Tennessee Chattanooga, Tennessee	Develop and maintain a non-rigid, 24-hour response time for paratransit service.
Mass Transit Administration Baltimore, Maryland	Address attitudinal, behavioral, and informational issues affecting the use and delivery of accessible fixed route services through outreach, marketing, and training aimed at consumers with disabilities using accessible fixed service, MTA bus operators, and the general public.

Massachusetts Bay Transportation Authority Boston, Massachusetts	Demonstrate the implementation of an emergency evacuation procedure for the safe evacuation of passengers with disabilities, especially those who use wheelchairs on rapid transit lines.
San Antonio Independent Living Services San Antonio, Texas	Identify a pilot group of people with disabilities to train in use of fixed route bus transportation; train peers also.
Katherine McGuinness and Associates Waltham, Massachusetts	Convene a working group of local transit agencies, water transportation operators, and disability advocacy groups to develop regulations for access to public water transportation facilities.
Kalamazoo Handicappers United Kalamazoo, Michigan	Identify needs by disability, geography, and service characteristics to promote accessible transportation program emphasis; provide public and private service providers a sound basis for scaling and designing systems.
Econometrics Bethesda, Maryland	Develop a program to train people with disabilities to utilize both fixed route transit and rural public transit services.
Goodwill Industries of Mid-Eastern Pennsylvania Shillington, Pennsylvania	Develop an Employment and Carpooling Program to match transportation needs of individuals with disabilities with volunteers who could provide that service; develop and implement training to teach consumers how to use fixed route and paratransit services.
New Jersey Transit Newark, New Jersey	Develop fare policy to provide a reduced transfer fare for paratransit and fixed route transit trips; develop key transfer points and promote use of vehicle-to-vehicle transfer from paratransit to fixed route.
Services for Independent Living Cleveland, Ohio	Develop a universal, safe and easy way to use the securement system; establish design, testing, and evaluation criteria for the acceptability of the system by people with disabilities.
Access-A-Ride New York, New York	Conduct a multi-ethnic outreach effort to enhance the mobility of people with disabilities living in low-income neighborhoods.
Lea[illegible] of Human Dignity Omaha, Nebraska	Establish and implement a program to inform and educate the public and persons with disabilities about the availability of a new partially lift-equipped fixed route bus service in Omaha.
The Kennedy Center Bridgeport, Connecticut	Provide an evolving mobility training and peer support program to a total of thirty-four individuals with disabilities; assist the Greater Bridgeport Transit District in assessing and testing a free transfer mechanism between fixed route service and paratransit service.
Easter Seal Society of Utah Salt Lake City, Utah	Encourage potential users of fixed route accessible transit services to ride, addressing the environment around the rider including the bus, its fellow passengers, and other aspects of the ride.
Community Council of Phoenix Phoenix, Arizona	Improve the mobility of persons with disabilities by increasing trips on wheelchair-accessible bus routes operated by the Phoenix Transit System through outreach, education, and marketing programs.

PROJECT ACTION
DEMONSTRATION PROJECTS
- PHASE II -

Grantee	Goal
Bear River Association of Governments Logan, Utah Priority: Community Identification	With Utah State University and the Logan Transit District, develop and test a statistical model for identifying transit needs of persons with disabilities.
Lifespan Associates Akron, Ohio Priority: Community Identification	Work with public transportation providers, human service agencies, and the disability community in Ohio and Pennsylvania to identify transit needs based on statistical surveys and personal interviews.
Community Council, Inc. Phoenix, Arizona Priority: Develop Outreach and Marketing Strategies	Encourage people ineligible for ADA complimentary paratransit to use accessible fixed route services.
The Arc Arlington, Texas Priority: Develop Training Programs for Transit Providers	Develop a communications skills program for Fort Worth transit personnel to more effectively assist persons with disabilities, especially those with cognitive impairments.
KRW, Incorporated Alexandria, Virginia Priority: Develop Training Programs for Transit Providers	Nationwide training of transit personnel covering a wide range of real life situations with funding from the Architectural and Transportation Barriers and Compliance (Access) Board.
Transit Authority of River City Louisville, Kentucky Priority: Develop Training Programs for Transit Providers	Work with the Disabled Citizens Computer Center to develop a computer-based interactive program to train transit personnel on their responsibilities under ADA.
City of Napa Napa, California Priority: Develop Training Programs for Transit Users with Disabilities	Develop a model travel training program that can be easily used by other small, rural transit systems around the country.
Easter Seal of Southwest Florida Sarasota, Florida Priority: Develop Training Programs for Transit Users with Disabilities	Train selected adults and youth with disabilities on the use of accessible public transportation; conduct a "Train the Trainer" program at the end of the project period.
Washington Metropolitan Area Transit Authority Washington, D.C. Priority: Develop Training Programs for Transit Users with Disabilities	Carry out a model travel training assistance program that will lead to the training of approximately 200 people with a variety of disabilities.
New York Easter Seal Society Albany, New York Priority: Develop Training Programs for Transit Users with Disabilities	Launch an innovative project for training selected high school seniors and new graduates with disabilities on using public transportation.

Cleveland Clinic Foundation and Services for Independent Living, Inc. Cleveland, Ohio Priority: Apply Technology to Eliminate Barriers	Field test a universal securement prototype device for use on fixed route and paratransit systems under climatic conditions in three locations.
Boston College, Department of Psychology Chestnut Hill, Massachusetts Priority: Apply Technology to Eliminate Barriers	Research the safety and usability of sloped area with detectable warnings that are safe and usable by persons with visual impairments.
Cerenio Management Group San Francisco, California Priority: Assist Private Entities	Carry out a comprehensive sensitivity and ADA training program for all Super Shuttle management staff nationwide.
International Taxicab and Livery Association Kensington, Maryland Priority: Assist Private Entities	Develop a user-friendly handbook which will address the many ADA issues affecting private sector transportation entities.
The Kennedy Center, Inc. Bridgeport, Connecticut Priorities: Develop Training Programs for Transit Users with Disabilities, Outreach Programs, and Feeder Service	Train persons with cognitive impairments and multiple disabilities on using accessible public transportation.
Maryland Department of Transportation Baltimore, Maryland Priorities: Develop Training Programs for Transit Users with Disabilities and Outreach Programs	Undertake multiple activities including training persons with disabilities ineligible for ADA complimentary paratransit to use bus, rail, and light rail services; train transit personnel.
Easter Seal Rehabilitation Center of Central Connecticut Meriden, Connecticut Priorities: Develop Outreach & Marketing Strategies, and Develop Training Programs for Transit Providers	Develop, implement, and evaluate a training program for students with disabilities who are transitioning from public school to work or higher education; sensitivity and service training for transit personnel.
Focus on Community Understanding & Services, Inc. Columbus, Ohio Priorities: Identify People with Disabilities, Develop Outreach & Marketing Strategies, Develop Training Programs for Transit Users with Disabilities and Advocacy	Launch an expanded program of outreach, community identification, and training of people with disabilities on the use of accessible public transportation services; serve as an advocate for people with disabilities on behalf of the ADA.
Research Foundation, City University on behalf of Barauch College Computer Center for the Visually Impaired New York, New York Priorities: Develop Outreach and Marketing Strategies and Develop Training Programs for Users with Disabilities	Embark on an aggressive program of community outreach, marketing, and consumer training to educate consumers in New York City with visual, cognitive, and other impairments on the use of innovative tactile maps.
Topeka Independent Living Resource Center, Inc. Topeka, Kansas Priorities: Identify People with Disabilities, Develop Outreach and Marketing Strategies, & Develop Training Programs for Transit Users with Disabilities	Undertake a program of community identification, outreach, and consumer training aimed at reducing dependency on paratransit services, increasing ridership among persons with disabilities on accessible fixed route services.

Urbitran Associates, Inc. New York, New York Priorities: Develop Outreach and Marketing Strategies & Develop Training Programs for Transit Users with Disabilities	Develop and test a program of outreach and marketing and consumer training targeted at persons ineligible for ADA complimentary paratransit services on the use of Madison's new service-route buses.
York County Transportation Authority York, Pennsylvania Priorities: Develop Training for Transit Providers and Users with Disabilities	Develop and carry out an innovative training program for transit personnel and people with disabilities on the ADA and how to interact constructively with each other.

APPENDIX F

National Institute on Disability and Rehabilitation Research (NIDRR)

Regional Disability and Business Technical Assistance Centers

NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH (NIDRR)

Regional Disability and Business Technical Assistance Centers

Toll-free telephone number for all centers: 800-949-4232

Regional Center I:
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

New England Disability and Business Technical Assistance Center
145 Newbury Street
Portland, Maine 04103
207-874-6535 (Voice/TDD)
207-780-4417 (Fax)

Regional Center II:
New Jersey, New York, Puerto Rico, Virgin Islands

Northeast Disability and Business Technical Assistance Center
354 South Broad Street
Trenton, New Jersey 08608
609-392-4004 (Voice)
609-392-7044 (TDD)
609-392-3505 (Fax)

Regional Center III:
Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

Mid-Atlantic Disability and Business Technical Assistance Center
2111 Wilson Boulevard, Suite 400
Arlington, Virginia 22201
703-525-3268 (Voice/TDD)
703-525-6835 (Fax)

Regional Center IV:
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

Southeast Disability and Business Technical Assistance Center
1776 Peachtree Road
Suite 310, North
Atlanta, Georgia 30309
404-888-0022 (Voice)
404-888-9006 (TDD)
404-888-9091 (Fax)

Regional Center V:
Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Great Lakes Disability and Business Technical Assistance Center
1640 West Roosevelt Road (M/C 627)
Chicago, Illinois 60608
312-413-1407 (Voice/TDD)

Regional Center VI:
Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Southwest Disability and Business Technical Assistance Center
2323 South Shepherd Boulevard, Suite 1000
Houston, Texas 77019
713-520-0232 (Voice)
713-520-5136 (TDD)
713-520-5785 (Fax)

Regional Center VII:
Iowa, Kansas, Nebraska, Missouri

Great Plains Disability and Business Technical Assistance Center
4816 Santana Drive
Columbia, Missouri 65203
314-882-3600 (Voice/TDD)
314-882-1727 (Fax)

Regional Center VIII:
Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Rocky Mountain Disability and Business Technical Assistance Center
3630 Sinton Road, Suite 103
Colorado Springs, Colorado 80907-5072
719-444-0252 (Voice)
719-444-0268 (TDD)

Regional Center IX:
Arizona, California, Hawaii, Nevada, Pacific Basin

Pacific Coast Disability and Business Technical Assistance Center
440 Grand Avenue, Suite 500
Oakland, California 94610
510-465-7884 (Voice)
510-465-3172 (TDD)
510-465-7885 (Fax)

Regional Center X:
Alaska, Idaho, Oregon, Washington

Northwest Disability and Business Technical Assistance Center
605 Woodview Drive
Lacey, Washington 98503
206-438-3168 (Voice)
206-438-3167 (TDD)
206-438-4014 (Fax)

National ADA Technical Assistance Grants Coordinator

Contractor
Raymond Glazier
Abt Associates, Inc.
55 Wheeler Street
Cambridge, Massachusetts 02138-1168
617-492-7100
617-492-5219 (Fax)

APPENDIX G

Funding Partnership for People with Disabilities

Project Summaries

FUNDING PARTNERSHIP FOR PEOPLE WITH DISABILITIES
- PROJECT SUMMARIES -

Recording for the Blind Washington, DC	Coalition for Information Access for Print-handicapped Readers Project Create automated Comprehensive Listing System for education materials available in North America in alternative format. Objectives: 1) facilitate access to bibliographic information, 2) make books available nationally, 3) facilitate inter-agency referral, 4) eliminate duplication
Denver Center for Independent Living Denver, CO	Help people with disabilities acquire skills, information, and support by giving them vouchers to purchase independent living services.
Association for Retarded Citizens of Natrona County Caster, WY	Integrate children with mental retardation into "latchkey" programs and introduce children without disabilities to their disabled counterparts in recreational settings.
Rural Minnesota CEP, Inc. Detroit Lakes, MN	Comprehensive employment services for youth with disabilities.
Brooklyn Center for Independence of the Disabled Brooklyn, NY	Establish an Access to the Workplace Center to educate Brooklyn employers about ADA and related laws and the technology, resources, and strategies relevant to hiring people with disabilities and mainstreaming them on the job. Provide tailored services to employers.
Drexel University Office of Research Administration Philadelphia, PA	Research the potential of assistive technologies to benefit children with motor disabilities.
Partners for Disabled Youth, Inc. Boston, MA	Transfer successful youth with disabilities entrepreneurship skills program from New York to Boston and assure long-term commitment from adults with disabilities (to act as program mentors) and from local business community.
Hospital Audiences, Inc. (HAI) New York, NY	Access to Places of Assembly: 1) create manual to replicate accessibility surveys of recreational/cultural sites, 2) produce pamphlets and video for specific types of places of assembly, 3) conduct seminars for site managers, 4) disseminate products.
Goodwill Industries of Fort Worth, Inc. Fort Worth, TX	Provide ADA training to 84 businesses in a seven-county area over two years, resulting in employment of 67 people with disabilities. Specifically focus on ADA's employment provisions.
Stout Vocational Rehabilitation Institute, University of Wisconsin Menomonie, WI	Develop and demonstrate effective ADA implementation for small employers. The project employs training, technical assistance, and direct service to demonstrate effectiveness of integrating and accommodating people with disabilities.
International Center for the Disabled New York, NY	Pediatric Functional Capacity/Pre-Vocational Assessment Program. Provide and improve medical rehabilitation and pre-vocational services to students with disabilities in the NY public school system.

Foundation for Exceptional Children Reston, VA	Create links with Chambers of Commerce to help youths with disabilities find jobs. This project replicates a successful program, "Team Work," in which adult mentors help young people with disabilities make the transition from school to work.
Opportunity Village Assoc. for Retarded Citizens Las Vegas, NV	Provide transportation through Share-a-Ride program for disabled citizens who wish to work in the community.
Full Citizenship, Inc. Lawrence, KS	Provide informational resources to improve employer awareness of and knowledge about employment of people with disabilities. Provide on-going support and technical assistance for employers.
Casa Colina Hospital for Rehabilitative Medicine Pomona, CA	Low-cost self-help groups to support individuals with disabling low back pain to enable them to return to a more productive life. Develop educational materials and optimal procedures.
Association of Retarded Citizens of New Jersey North Brunswick, NJ	Develop educational materials to teach women with developmental disabilities about women's health issues. Workbooks and videotape for consumers; separate set for families and staff.
Kansas Elks Training Center for the Handicapped, Inc. Wichita, KS	Hire worksite consultant to enhance activities of Employer Training Center (business/agency co-venture) to 1) establish model employment sites in small to mid-sized businesses and 2) provide site assessments, on-site consultation, and management training to area businesses.
Kent State University Kent, OH	A model employer education and technical assistance program covering a seven-county area in Ohio. More than 1,500 employers and human resource professionals provided with information on the ADA. Speakers bureau for presentations to civic and professional groups.
National Chamber Foundation Washington, DC	Study to 1) survey state and local Chambers on willingness to work with disability community on ADA, 2) evaluate and categorize funding partnership efforts and other community approaches, 3) disseminate findings through a report and a national conference.
St. Joseph Rehabilitation Hospital & Outpatient Center Albuquerque, NM	Care Giver Training Material Development and Distribution. Develop and distribute a video and workbook to educate family care-givers on the proper techniques to physically assist disabled family members. Materials in English and Spanish and distributed free of charge.
American Bar Association, Commission on Mental & Physical Disabilities Washington, DC	Develop ADA Resource Manual to help employers understand obligations to applicants/employees with mental illness and provide suggestions to fulfill those obligations.
The Institute for Rehabilitation & Research Houston, TX	A Model for Municipal Compliance with ADA. Establish a municipal coalition to develop, test, and disseminate a model approach for evaluating municipal compliance with ADA.
Mobility International USA Eugene, OR	A Proactive Approach to ADA: A Community Access Model. Develop a cost-effective, efficient model program for organizations to use in implementing the ADA.

TransCen, Inc. Rockville, MD	Develop a statewide coalition to provide disability awareness training and technical assistance to the state's business community: train-the-trainer seminars; disability awareness training and reasonable accommodation seminars; implementation manual.
Center for Independence of the Disabled in New York New York, NY	Train a large team of people with disabilities, employers, civic leaders, and parents as trainers and advocates in the areas of reasonable accommodation; form a long-term coalition with the project partners that the community will utilize as an ongoing resource.
Council of Better Business Bureaus' Foundation Arlington, VA	Promote compliance with Title III (Public Accommodations) of the ADA by providing public education, training, and technical assistance on requirements, compliance options, and dispute resolution.
Self Help for Hard of Hearing People, Inc. Bethesda, MD	Produce and disseminate six guidebooks addressing access and employment for hearing impaired individuals for the hospitality, airport, and hospital industries.
Foundation for Technology Access (FTA) Albany, CA	Demonstrate ability of computer technology to promote integration, employment, and independence through FTA's national network of community-based computer resource centers.
National Association of Counties County Health Policy Project Washington, DC	County Government as Leaders in the Implementation of the ADA. Forge partnerships between county governments in the state of Maryland and local disability communities to facilitate optimal implementation of ADA. Develop model for replication.
Rochester Center for Independent Living, Inc. Rochester, NY	Develop voluntary compliance with ADA through cost-effective and efficient dissemination of information and compliance assistance, including mediation services, to the groups targeted by ADA.
The Foundation of Employment & Disability, Inc. Torrance, CA	Inform 20,000 small business owners and managers of their responsibility under the ADA and promote willingness to comply and find cost-effective ways to do so.
Pratt Institute Brooklyn, NY	Support a two-day conference to exchange current information on design issues that affect people with impaired mobility, vision, and hearing.
The Center for Rehabilitation Services at Theda Clark Reg. Neenah, WI	Quick Program: Transdisciplinary evaluation of medical rehabilitation and psychological needs of people with disabilities. Develop a case management model and cost/benefit analysis.
Access Living Chicago, IL	Coalition for Architectural Access. Develop reference materials that integrate the architectural accessibility regulations of the ADA and other laws and train individuals with disabilities and architects in the standards.

APPENDIX H

Selected ADA-Related Videocassettes

SELECTED ADA-RELATED VIDEOCASSETTES

American Federation for the Blind
"Making the ADA Work for You"

Building Owners and Managers Association International
"The Americans With Disabilities Act Title III: Public Accommodations and Commercial Facilities"

California Chamber of Commerce
"ADA: What Every Manager *Must* Know"
"ADA Interviewing Do's and Don't's"

Disability Rights Education and Defense Fund
"Open for Business"

Film & Video, Inc.
"ADA Facts & Fears"

National Easter Seal Society
"Party"
"Wheelchair"
"Nobody is Burning Wheelchairs"
"Pizza"
"Providing Public Transportation to Everyone"
"Bus"

National Restaurant Association
"A Warm Welcome"

President's Committee on Employment of People with Disabilities
"Part of the Team"

APPENDIX I

Architectural and Transportation Barriers Compliance Board (Access Board)

Proposed ADA Research Agenda

ACCESS BOARD PROPOSED ADA RESEARCH AGENDA

(as published in the *Federal Register*, Vol. 57, No. 92)

1. Medical Facilities Examination Equipment
2. Windows
3. Signage and Orientation Information for Persons Who Are Visually Impaired or Blind
4. Engraved Signage
5. Special Provisions for Alterations to Buildings and Facilities
6. Space and Reach Range Requirements for Persons Using Power Wheelchairs and Three-Wheeled Scooters
7. Protruding Objects
8. Detectable Warnings, Handrail Extensions, and Tread Markings for Persons With Visual Impairments
9. Diagonal and Circular Stairs
10. Bathing Facility Accessibility
11. Under Table and Fixed Seating Depth Requirements
12. Automated Teller Machines (ATMs) and Point of Sale Machines
13. Homeless Shelters
14. Chemical and Environmental Sensitivities
15. Ramp Slope
16. Swimming Pools
17. Health Club Equipment
18. Standardization of Audible Alarms

19. Public Information for Persons With Hearing Impairments

20. Transportation Facilities: Signage Along Circulation Paths and Station Identification Signs

21. Airports: Security Systems

22. Boats and Ferries

23. Vehicle Ramps

24. Steps on Buses, Light Rail, Commuter Rail, and Intercity Rail Cars

25. Vehicle Doors: All Vehicle Modes

26. Interior Lighting on Buses

27. Intercity Rail Car Restrooms and Sleeping Rooms

28. Lifts: Vehicle Interlock on Commuter and Intercity Trains

29. Electric Cart Accessibility

30. Floor Surfaces: Carpet Weave

31. Pedestrian Overpasses

NATIONAL COUNCIL MEMBER AND STAFF BIOGRAPHIES

National Council Members

John A. Gannon, Acting Chairperson

John Gannon of Cleveland, Ohio, and Washington, D.C., founded John A. Gannon and Associates. His firm has offices in Columbus and Cleveland, Ohio; Denver, Colorado; and Washington, D.C. A fire fighter for more than 30 years, Mr. Gannon was an active leader of the International Association of Fire Fighters (IAFF) Local 93. Starting as a member of the local IAFF committee, he eventually became president, a position he held for 10 years before being elected to national office.

In September 1988, Mr. Gannon was elected IAFF president emeritus. He had served as President of the 170,000-member organization since 1980. Under his leadership, the IAFF expanded its role in occupational safety and health. Concerned about the hazards of his profession, he guided and directed a series of programs to promote greater safety and health protection. One program sponsored research on safer garments and equipment for fire fighters. Mr. Gannon also fostered development of the IAFF Burn Foundation, which raises funds for research on the care of people who have experienced severe burns. In 1985, the Metropolitan General Hospital in Cleveland dedicated the John Gannon Burn and Trauma Center in recognition of his support for the hospital.

Mr. Gannon was elected vice president of the AFL-CIO, with which the IAFF is affiliated. Within the AFL-CIO, he is vice president of the Public Employee Department. On the Executive Council, he is a member of several committees. He serves on the board of the National Joint Council of Fire Service Organizations and in 1982 served as its chairman. He is a member of the board of the Muscular Dystrophy Association. Mr. Gannon attended Miami University in Ohio and Glasgow University in Scotland, and studied at Baldwin-Wallace College and Cleveland State University.

A. Kent Waldrep, Jr., Vice Chairperson

Kent Waldrep has been involved with disability issues on the local, state, and national levels since his spinal cord injury in 1974 while playing football for Texas Christian University. Since 1981, Mr. Waldrep has served on the National Council. Beyond serving as vice chairperson, he serves as chairman of the Research and Prevention Committee. He was instrumental in formulating the National Council initiative on preventing primary and secondary disabilities.

Mr. Waldrep, one of 15 original drafters of the Americans with Disabilities Act, gave the legislation its name. He has lectured nationwide on subjects ranging from national disability policy to medical research targeted at curing paralysis. He founded the American Paralysis Association and the Kent Waldrep National Paralysis Foundation. He has appeared on *Good Morning America*, the *Today Show*, the *NBC Nightly News*, and CNN, and has been featured in *People*, *Look*, *USA Today*, and other magazines.

He was selected by the U.S. Jaycees as one of 1985's ten Outstanding Young Men in America and received a special award from the Texas Sports Hall of Fame and a sports/fitness award from the President's Council on Physical Fitness. Kent Waldrep Days have been celebrated in four Texas cities and Birmingham, Alabama. He serves on many boards, including the Texas Rehabilitation Commission. He is past chairman of the Texas Governor's Committee for Disabled Persons and the Dallas Rehabilitation Institute. He also is chairman of Turbo-Resins, Inc., a family-owned and -operated aviation repair business. He lives in Plano, Texas, with his wife, Lynn, and two sons, Trey and Charles Cavenaugh.

Linda Wickett Allison

Linda Allison of Dallas, Texas, is a long-time advocate of people with disabilities. She is a board member of the National Paralysis Foundation and a trustee for the International Spinal Research Trust. Mrs. Allison, who grew up in Fort Worth, has three children. Her daughter, Marcy, was paralyzed from the waist down in a 1979 automobile accident. Marcy graduated from the University of Texas School of Law in 1986 and practices law in Austin. Mrs. Allison's late husband, James N. Allison, Jr., owned the *Midland Reporter Telegram* and other newspapers in Texas and Colorado and was a deputy chairperson of the Republican National Committee.

Ellis B. Bodron

Ellis Bodron of Vicksburg, Mississippi, has been a practicing attorney since 1947. He served 36 years as a member of the Mississippi legislature, one term in the House of Representatives, and eight terms in the Mississippi Senate. He also chaired the Senate Finance Committee from 1961 until 1983.

Mr. Bodron, who is blind, is associated with several civic organizations, including the Vicksburg Lions Club, Vicksburg Chamber of Commerce, and the

University of Mississippi Alumni Association. In addition, he is a member of the Advisory Board of Directors, Deposit Guaranty National Bank.

Mr. Bodron has also been a member of the Agriculture and Industrial Board, which preceded the Board of Economic Development, and the Committee of Budget and Accounting and the Board of Trustees of the Mississippi Public Employees Retirement System. He graduated with a Bachelor of Arts and a Bachelor of Law Degree from the University of Mississippi. He is married with two children.

Larry Brown, Jr.

Since 1981, Larry Brown of Potomac, Maryland, has been the Xerox business and community relations manager for the Mid-Atlantic Region, Coastal Operations, Custom Systems Division. In 1991, he became government and community relations manager with Integrated Systems Operations.

Mr. Brown was a running back for the Washington Redskins for eight years. During that time, he received many awards, including Most Valuable Player in the National Football League for 1972. He was inducted into the Washington, D.C., Touchdown Club Hall of Fame in 1991.

After retiring from football in 1977, he worked at E.F. Hutton as a personal financial management adviser. He has been special assistant to the director, Office of Minority Business Enterprise, Department of Commerce. He is involved with youth, people with disabilities, and senior citizens. Mr. Brown has spoken at schools, colleges, and universities on topics such as motivation, discipline, and camaraderie. He works with many organizations, including the Friends of the National Institute on Deafness and Other Communication Disorders, the Deafness Research Foundation, and the Vincent Lombardi Foundation.

Mary Ann Mobley Collins

A former Miss America who lives in Beverly Hills, California, Mary Ann Mobley Collins has a career in film, television, and on Broadway. She has co-hosted National March of Dimes telethons with her husband, Emmy-award-winning actor Gary Collins; she is a member of the National Board of the March of Dimes Foundation and is national chair of the Mother's March Against Birth Defects. She is a member of SHARE, a Los Angeles-based women's organization that has raised more than $6 million for the Exceptional Children's Foundation for the Mentally Retarded. She serves on the National Board of the Crohns and Colitis Foundation.

Mrs. Collins helped raise funds for the Willowood Foundation in her native Mississippi, which provides homes for young adults with mental and physical disabilities. She has received many awards and honors, including the 1990 International Humanitarian Award from the Institute for Human Understanding, Woman of Distinction 1990 from the National Foundation for Ileitis and Colitis, and the HELP Humanitarian Award of 1985 from HELP for Handicapped Children. She has filmed documentaries in Cambodia, Ethiopia, Mozambique, Somalia, Kenya, Sudan, and Bolivia on the plight of starving children and people with disabilities.

Anthony H. Flack

Anthony Flack of Norwalk, Connecticut, is president of Anthony H. Flack & Associates. He has been a member of the board of Families and Children's Aid of Greater Norwalk and has worked with the Child Guidance Center of Greater Bridgeport, the Youth Shelter in Greenwich, Hall Neighborhood House in Bridgeport, and the Urban League of Greater Bridgeport. Mr. Flack is a member of the Allocations and Admissions Committee, United Way of Norwalk, and received the Bell Award for outstanding service in the field of mental health at the Bridgeport Chapter, Connecticut Association of Mental Health.

Robert S. Muller

Robert Muller of Grandville, Michigan, began his career with Steelcase, Inc., in 1966 and is now an administrator in human resources. He is an adjunct professor in the Department of Psychology at Aquinas College and in the Department of Education at Calvin College in Grand Rapids. He serves on the Board of Trustees for Hope Network and Foundation in Grand Rapids, which serves 1,700 adults with disabilities. In April 1981, he received an honorary degree in educational psychology from the Free University in Amsterdam, The Netherlands.

Mr. Muller holds a B.S. in business administration from Aquinas College and in 1978 was voted Outstanding Alumnus of the Year. He has lectured at colleges and universities nationally and internationally. He is a board member for several national, state, and local organizations.

In May 1987, Mr. Muller and his wife Carol hosted a first-time event at the White House with the Vice President. The Celebration of Disabled Americans at Work was cosponsored by several major corporations. Mr. Muller now serves as president of the National Roundtable on Corporate Development for Americans with Disabilities. In 1985, he received the Liberty Bell Award from the Grand Rapids Bar Association. In 1988, he was national co-chair of the Disabled Americans for President Bush Campaign and in 1992 was an honorary national member of the Bush/Quayle Disability Coalition Campaign. In November 1992, Mr. Muller was appointed to the Governor's Commission on Handicapped Concerns for Michigan.

George H. Oberle, PED

Dr. George Oberle of Stillwater, Oklahoma, has more than 40 years' experience in the field of health, physical education, and recreation. He began his career as a high school teacher and coach and has been a professor and director of the School of Health, Physical Education, and Leisure at Oklahoma State University since 1974. Dr. Oberle is a consultant to many organizations in the areas of administration and adaptive physical education. In 1988, he worked with the Kennedy Foundation to organize and direct a new program of Unified Sports for the Special Olympics.

Dr. Oberle chaired the College and University Administrators Council (1980-82); was president of the Association for Research, Administration, Professional Councils and Societies (1984-87); and served as a board member of the American Alliance of Health, Physical Education, Recreation and Dance (1985-89). His awards include the 1985 Centennial Award from the American Association of Health, Physical Education, Recreation and Dance; and meritorious service awards from Indiana and Oklahoma.

He was selected for *Men of Achievement* in 1975 and recognized in *Who's Who of the Southwest* in 1977. Dr. Oberle received his doctorate from Indiana University in administration and adapted physical education. He lectures extensively about wellness promotion, adapted physical activity, and sports and recreation for people with disabilities.

Sandra Swift Parrino

As a member and former chairperson of the National Council, Sandra Swift Parrino has played an active role in key issues affecting the lives of people with disabilities. Nominated by President Reagan in 1982, appointed chairperson by the President in 1983, and reappointed by President Bush, Sandra Swift Parrino has supported the rights of people with disabilities before Congress, in the media, and before groups nationwide. Under her leadership, the National Council has been a driving force to create public policies that affect the nation's people with disabilities.

During her tenure as chairperson, the National Council worked for the creation and enactment of legislation for people with disabilities; issued policy statements such as *National Policy for Persons With Disabilities*; convened hearings nationwide to solicit comments and recommendations from people with disabilities about how to eliminate discrimination; issued a major report, *Toward Independence*, that outlines key components of a comprehensive civil rights law protecting people with disabilities; initiated the first national survey of attitudes and experiences of Americans with disabilities, in conjunction with Louis Harris and Associates, Inc.; issued *On the Threshold of Independence*, a report outlining specifics of the Americans with Disabilities Act; created and developed the Americans with Disabilities Act; participated with President Bush at the signing of the Americans with Disabilities Act; conducted the first National Conference on the Prevention of Primary and Secondary Disabilities; issued reports on minorities with disabilities and personal assistance services; and planned reports on health insurance, financing assistive technology, and educating students with disabilities.

Before becoming National Council chairperson, Sandra Parrino founded and directed the Office for the Disabled in Ossining and in Briarcliff Manor, New York, where she created a regional program for public and private organizations that focused on programs for people with disabilities and compliance with Section 504. She has more than 25 years' experience on boards, councils, commissions, committees, and task forces at the federal, state, regional, and local levels and as an expert witness, community leader, organizer, and activist.

Mrs. Parrino has represented the U.S. government on disability issues in many countries. She has been invited by the Department of State to represent the United States at the Meetings of Experts in Finland and China, and represented the United States at the United Nations Center for Social Development in Vienna several times. In 1990, 1991, and 1992 she was a delegate at the Third Committee on Social Development of the United Nations. In 1991, she was invited by the People's Republic of China to assist them in their efforts to help people with disabilities. At the request of the government of Czechoslovakia, she and the National Council were invited to conduct the Eastern European Conference on Disabilities for participants from Czechoslovakia, Poland, and Hungary.

Mrs. Parrino graduated from Briarcliff College with a B.A. in history and completed courses at Bennett College, GuildHall School of Drama in London, and the Yale School of Languages. In 1992, Mrs. Parrino received an Honorary Doctorate of Humane Letters from St. John's University in New York. Her husband Richard is a rheumatologist. They have three children, two of whom have disabilities. Sandra Parrino was born in New Haven, Connecticut, and lives in Briarcliff Manor, New York.

Mary Matthews Raether

Mary Matthews Raether of McLean, Virginia, is associated with St. John's Child Development Center, a nonprofit organization providing instruction, employment training, and independent and group home living skills for people with severe mental disabilities, especially autism. Mrs. Raether has been an officer and trustee of St. John's since 1985, has chaired the public relations committee, and participated on the executive, nominating, investment, and development committees.

Mrs. Raether has been active in civic, educational, and religious organizations in the Washington metropolitan area. While community vice president of the Junior League of Washington, she developed emergency grant procedures and fund-raising information services for small and emerging nonprofit organizations. Mrs. Raether has 10 years' experience as legislative assistant to Representatives George Bush and Barber Conable. She specialized in tax, Social Security, Medicare/Medicaid, and trade issues. She considers her efforts in clarifying the tax status of lobbying by nonprofit organizations an outstanding career accomplishment. She received a B.A. from the University of Texas at Austin in 1962. She is married and has two children.

Shirley W. Ryan

Shirley W. Ryan, of Kenilworth, Illinois, is president and co-founder of the Pathways Center for Children, an outpatient, individualized neuro-developmental therapy center for children with delayed gross or fine motor activity and/or motor-based eating problems. In a related activity, Mrs. Ryan is president and co-founder of Pathways Awareness Foundation, a public health care awareness organization that focuses on issues that include child development problems and procedures for early infant assessment of children with special needs.

As part of her outreach commitment to the community, Mrs. Ryan serves as a trustee for the Ronald McDonald's Children's Charities and also is director of the United Cerebral Palsy Association of Chicago. She also participates as an Executive Committee member for the Chicago Community Trust, a public foundation that makes awards in the areas of health, social services, education, civic affairs, and arts and humanities.

Her other activities include service as vice chairman, Board of Directors, Chicago Council on Foreign Relations; founder, Northwestern University graduate school invitational course; founding member, Northwestern University Women's Board; and director, Chicago Foundation on Education.

Mrs. Ryan's mission continues to focus on helping children with movement difficulties and their families. Thanks to her vision and perseverance, hundreds of thousands of Americans have learned what signs in a baby's physical development may signal delayed development and the need for assistance. Mrs. Ryan is married and has three children.

Anne Crellin Seggerman

Anne Crellin Seggerman of Fairfield, Connecticut, is the founder of Fourth World Foundation, Inc., a company engaged in the development of interfaith media.

A member of the Bridgeport Urban Gardens and Youth at Risk/ Breakthrough Foundation, Mrs. Seggerman founded and serves as the chairman of the board of the Fairfield County Chapter of Huxley Institute for Biosocial Research. She previously was a member of the President's Committee on Mental Retardation.

Mrs. Seggerman is listed in *Who's Who of American Women* and has received numerous honors including an Honorary Doctor of Humane Letters award from Sacred Heart University. She is a member of the Association of Knights and Ladies of the Holy Sepulchre, and the American Association of the Order of Malta. She was previously appointed to serve on the Housing of Handicapped Families Committee of the Department of Housing and Urban Development.

Mrs. Seggerman is experienced in providing care, treatment, and rehabilitation to people with schizophrenia and has extensive experience with people with alcoholism and children with learning disabilities. She is married and has six adult children.

Michael B. Unhjem

Michael Unhjem of Fargo, North Dakota, is president of Blue Cross Blue Shield of North Dakota. He is the youngest person ever elected to the North Dakota House of Representatives, a member of the National Conference of Commissioners on Uniform State Laws, and served in 1988 as president of the National Mental Health Association.

Mr. Unhjem has been involved in local and national organizations, including the Advisory Mental Health Council of the U.S. Department of Health and Human Services; the Governor's Commission on Mental Health Services; the National Alliance for Research on Schizophrenia and Depression; and the National Mental Health Leadership Forum. Awards include the 1989 Special

Presidential Commendation from the American Psychiatric Association, the 1988 Distinguished Leadership Award from the North Dakota Psychological Association, and the National Excellence in Leadership Award from North Dakota.

He has been recognized by *Who's Who in American Politics, Who's Who in North Dakota, Who's Who in the Midwest, Personalities of America*, and *Men of Achievement*. Mr. Unhjem graduated magna cum laude with a B.A. in history and political science from Jamestown College in North Dakota in 1975. In 1978, he earned a J.D. with distinction from the University of North Dakota School of Law in Grand Forks. He is married and has two children.

Helen Wilshire Walsh

Helen Walsh of Greenwich, Connecticut, is a board member of the Rehabilitation Institute of Chicago, one of the largest rehabilitation facilities in the world. She has been involved in disability advocacy for many years and has been associated with the Institute of Rehabilitation Medicine at the New York Medical Center, where she served as associate trustee. She has served as vice president, president, and chairman of the Board of Rehabilitation International, USA.

Ms. Walsh has been a member of the President's Committee on Employment of People With Disabilities, and was appointed by the president to serve as a Member of the National Advisory Council of Vocational Rehabilitation. In 1976, Ms. Walsh received the Henry J. Kessler Award for outstanding service in the rehabilitation field. She has received the Rehabilitation International Award for Women and the Anwar Sadat Award for outstanding work in the field of rehabilitation.

National Council Staff

Andrew I. Batavia

Andrew I. Batavia is executive director of the National Council on Disability. He formerly served as research director for disability and rehabilitation policy at Abt Associates. Prior to joining Abt, he was associate director of the White House Domestic Policy Council, where he was responsible for coordinating federal policy on health care, disability, housing, education, and veterans affairs. He received his bachelor's degree in economics and sociology from the University of California, his master's degree in health services research from Stanford Medical School, and his jurisdoctorate degree from Harvard Law School.

After law school, Mr. Batavia served for two years as an attorney for the U.S. Department of Health and Human Services. He left that position in 1986 when he was awarded the Mary E. Switzer Distinguished Research Fellowship in Medical Rehabilitation Finance from the National Institute on Disability and Rehabilitation Research (NIDRR) of the U.S. Department of Education. He then served for four years as associate director for health services research at the National Rehabilitation Hospital Research Center in Washington, D.C. In that capacity, he wrote two books and more than 20 other publications on issues of disability and health care policy.

In 1987, Mr. Batavia was made a fellow of the Washington Academy of Sciences. In 1988, he was awarded the Distinguished Disabled American Award from the President's Committee on Employment of People With Disabilities. In 1989, he received an international fellowship from the International Disability Exchanges and Studies (IDEAS) Program of NIDRR and conducted research on how the Dutch health care system affects people with disabilities. In 1990, he was appointed a White House Fellow by the President and served as special assistant to Attorney General Richard Thornburgh at the U.S. Department of Justice.

Mr. Batavia is the founding associate editor of the *Journal of Disability Policy Studies* and a cofounding board member of Independent Living Assistance, Inc. He is an adjunct assistant professor at the Georgetown University School of Medicine and a member of the Bar of the U.S. Supreme Court, the Bar of the District of Columbia, the State Bar of California, and Georgetown's Kennedy Institute of Ethics.

Edward P. Burke

Edward P. Burke currently serves as executive assistant to the chairperson and chief of government liaison of the National Council on Disability. Prior to assuming this position, Mr. Burke served as special assistant to the commissioner at the U.S. Administration on Developmental Disabilities, where he worked closely with the commissioner and senior staff in the management of an annual budget in excess of $105 million supporting a nationwide network of more than 160 programs (Developmental Disabilities Councils, Protection and Advocacy Systems, University Affiliated Programs, and Projects of National Significance).

Mr. Burke has also served as the executive director of the New Hampshire Developmental Disabilities Council and executive director of Autism Services Association in Massachusetts. He has extensive experience in direct work with people with severe disabilities and their family members, particularly concerning issues such as family support, individual support and advocacy, special education in mainstream neighborhood schools, responsible deinstitutionalization programming, and expert court opinion.

Mr. Burke holds several degrees and certifications in the areas of special and regular education and was awarded one of two Winston Churchill Fellowships granted to U.S. citizens in 1979. He has considerable experience in serving as a consultant and trainer to major government and private sector agencies in this country and abroad around the planning, implementation, and evaluation of programs designed to increase the independence and community integration of people with disabilities, and he has published and edited numerous articles and papers on both the clinical and policy aspects of serving people with disabilities.

Billie Jean Hill

Billie Jean Hill joined the staff of the National Council on Disability as program specialist in March 1992. Previously, Ms. Hill was director of communications and editor for the Blinded Veterans Association and earlier served as founding director of a statewide broadcast service for persons with reading disabilities with Mississippi Educational Television in her home state. She was appointed to work on a governor's commission in Mississippi to report on the needs of children and youth in rural Mississippi who are disabled. Ms. Hill studied journalism and education at Mississippi University for Women and at the University of London in England. She serves as chairperson of the Board of Publications for the American Council of the Blind.

Mark S. Quigley

Mark Quigley joined the staff as a public affairs specialist in May 1990. He previously served as a consultant to the U.S. National Commission on Drug-Free Schools. He is a former program coordinator at the U.S. Interagency Council on the Homeless and former director of communications at the White House Conference on Small Business. Mr. Quigley graduated *magna cum laude* in 1979 from Northern Virginia Community College in Annandale, Virginia, with an A.A. in general studies. He received a B.A. in government and politics in 1983, and an M.P.A. in public administration in 1990 from George Mason University in Fairfax, Virginia.

Brenda Bratton

Brenda Bratton, executive secretary for the National Council, was formerly employed as a secretary at the National Transportation Safety Board. Ms. Bratton graduated from Farmville Central High School and the Washington School for Secretaries.

Stacey S. Brown

Stacey Brown is staff assistant to the chairperson and has been employed by the National Council since 1986. Prior experience includes employment as a receptionist and clerk with the Board for International Broadcasting and with the Compliance and Enforcement Unit of the Architectural and Transportation Barriers Compliance Board, where he was a student assistant. Mr. Brown is a graduate of Howard University in Washington, D.C., where he earned a B.A. in political science in 1987.

Janice Mack

Janice Mack, who serves as the administrative officer for the National Council, was formerly employed with the National Oceanic and Atmospheric Administration. Ms. Mack graduated from Calvin Coolidge High School.

Lorraine Williams

Lorraine Williams is office automation clerk for the National Council. She graduated from Valdosta High School in Valdosta, Georgia, and attends Strayer College, where she is majoring in computer information systems science.

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